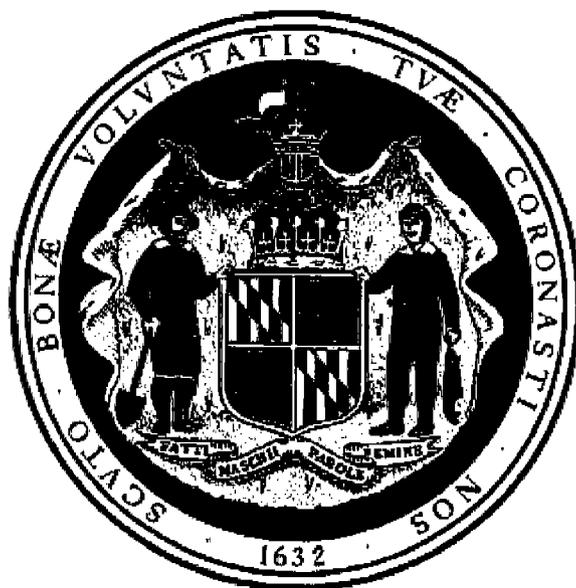


Quarterly Report

October 1, 2003 – December 31, 2003

The Office of the Independent Juvenile Justice Monitor



Robert L. Ehrlich, Jr. – Governor
Michael S. Steele – Lt. Governor
M. Teresa Garland, Esq. – Special Secretary,
Governor's Office For Children, Youth, & Families

State of Maryland Executive Department
GOVERNOR'S OFFICE FOR CHILDREN, YOUTH AND FAMILIES

ROBERT L. EHRLICH, JR.
Governor



M. TERESA GARLAND
Special Secretary

MICHAEL S. STEELE
Lieutenant Governor

MEMORANDUM

To: Special Secretary M. Teresa Garland, Esq., Governor's Office for Children, Youth, and Families
Secretary Kenneth C. Montague, Jr., Department of Juvenile Services

From: Ralph B. Thomas, Executive Director, Office of the Independent Juvenile Justice Monitor, Governor's Office for Children, Youth, and Families *RT*

Subject: Quarterly Report for October 1, 2003 – December 31, 2003, Office of the Independent Juvenile Justice Monitor

Date: March 22, 2004

I am pleased to present the most recent quarterly report of the Office of the Independent Juvenile Justice Monitor.

As required by Article 49D, Office for Children, Youth, and Families of the Annotated Code of Maryland, Section 45(b)(2), the Office of the Juvenile Justice Monitor "...shall report quarterly to the Special Secretary and the Secretary. A copy of the report shall be provided to the State Advisory Board for Juvenile Justice and, in accordance with Section 2-1246 of the State Government Article, the General Assembly. The report shall include: all activities of the Office; actions taken by the Department resulting from the findings and recommendations of the Independent Monitor, including the Department's response; and a summary of any violations of the standards and regulations of the Department that remained unabated for 30 days or more during the reporting period."

This quarterly report encompasses the period from October 1, 2003 to December 31, 2003. It notes conditions found within the Department of Juvenile Service's facilities by the Office of the Independent Juvenile Justice Monitor as well as those matters that have remained unabated since the issuance of the last quarterly report. As required, this report also includes the Department of Juvenile Service's response to the comments offered by the Office of the Independent Juvenile Justice Monitor. The Office of the Independent Juvenile Justice Monitor does not necessarily endorse or concur with the responses offered by of the Department of Juvenile Services.

I hope that this report serves to provide an accurate assessment of conditions within Maryland's Department of Juvenile Services' facilities and assists in the development of strategies to enhance programs and services to youth.

The Office of the Independent Juvenile Justice Monitor looks forward to continuing in its work with you in transforming juvenile justice within Maryland.

**MONITORS' ASSESSMENT OF FACILITIES AND THE DEPARTMENT OF
JUVENILE SERVICES
RESPONSE**

The YMCA operates the **Allegany County Girls Group Home** on property that is owned by DJS. ACGGH accommodates up to 9 girls, who stay in the program for an average of 9 months. A "Healthy Home" model of treatment intervention is utilized. This model includes the use of community resources for schooling, health, mental health services, and recreation. ACGGH continues to make improvements in programming, staffing, and in establishing a more consistent, positive culture within the group home. ACGGH and DJS are working well together in the area of referrals, case manager assistance with obtaining medical cards for youth placed in the facility, and case manager visitation.

- The ACGGH facility is attractive and kept in good shape with cooperation between the Cumberland YMCA and DJS. The road leading to the house, however, is in very bad condition. There are very large and potentially dangerous potholes in the driveway that should receive immediate attention. A complete resurfacing of the road should be commenced as soon as possible when the weather breaks this spring.

Response: DJS has requested funding for the road repair. It is estimated to cost between \$20,000 and \$30,000 to repair.

- While the program is improving, teambuilding is an ongoing issue. Training should focus intensively on strengthening the culture by establishing consistency in maintaining positive norms, application of the routine and structure, and positive role modeling by staff.

Response: No comment

The Department of Juvenile Services **Youth Centers** are State owned and operated programs located in Allegany and Garrett Counties of Western Maryland. There are four Centers: **Green Ridge, Savage Mountain, Meadow Mountain, and Backbone Mountain.** Meadow Mountain operates specifically as an addictions program. The average length of stay in the programs is six months. A total population of 156 youth is served in the Youth Centers.

Under the direction of Superintendent Dale Schroyer, the Youth Centers are focusing on teambuilding and establishing increased communication, problem identification, and problem resolution at all levels within the Centers, and between the Centers and Youth Center Headquarters. The Office of the Independent Monitor is supportive of this initiative, and has been invited to participate in the Facility Administrators meetings on a bi-monthly basis to collaborate on current issues. While this schedule is not as frequent as indicated in the Department's Corrective Action Plan, nor in its response to the previous quarterly report, it does present more of an opportunity to work cooperatively together.

The Youth Centers, overall, have few incidents reported. This is an indication that for the most part the needs for health, safety and security are met.

- **Unabated for 30 Days or More:** There continues to be a discrepancy between the stated admissions criteria and the actual background of some of the youth in the Centers. The admissions criteria have come under review recently, however, resulting in the "non-violent" proviso being taken out of the statement. The Office of the Independent Monitor has supported chronic "non-violent" offenders as an appropriate criterion, and this criterion should be enforced by the Department. With the omitting of the "non-violent" proviso, it is the concern of this Office that the Youth Centers will come under pressure to take even more serious offenders. It is also of concern that the public be informed as to the nature of youth being served in the open, staff-secure Youth Centers.

Response: New guidelines have been developed and approved.

- The Youth Centers have developed a procedure manual for the operation of the Centers. There are, however, no standards by which to monitor DJS commitment care programs. This lack should be addressed. COMAR 01.04.04 offers standards for residential facilities serving youth, and should be applicable as well to DJS commitment care programs.

Response: The Department plans to establish a committee by April 30, 2004 to develop standards for committed programs.

- Youth Center group process programming is very dependent upon adequate numbers of staff to provide direction, safety, and security in the open programs. It is of great concern that the Department has indicated that the Centers will lose their 21 contractual positions, without any provision for replacing these positions with PIN positions. The Centers already operate with many vacancies, and are understaffed because of this. Further reduction would seriously compromise health, safety, and security.

Response: The Department agrees this is an important issue and is reviewing it in light of current fiscal restraints to determine how to best address the issue.

- The group process program, in order to maximize effectiveness, is dependent upon maintaining group cohesiveness over a significant period of time. Factors that are disruptive to the group should be identified and minimized. One of those factors is that youth slated to go to the Meadow Mountain addictions program are first put into other groups in one of the other centers, and then moved to Meadow Mountain after a period of adjustment to the Youth Center structure and after behavioral issues are initially addressed.

Response: The Department has reviewed this process in the past and determined it should remain unchanged. The Department continues to conduct periodic reviews of programming for ways to enhance services to youth.

- The Youth Centers educational program operates without a certificate of approval, as it has not been determined as to how the educational programs are to be approved. This should be addressed and a certificate of approval provided. In the meantime, DJS Educational Administrators, without regulation authority, have cut back the educational days in the Centers from 220 days to 180 days, matching the public school model. Many of these youth in the Youth Centers have failed out of public schools. Consistently, one of the greatest strengths noted by youth in the Centers is the individualized educational support they get from the teachers and the level of achievement they are experiencing. The days of instruction that have been taken from these students constitute a loss in credits gained during their stay in the Centers, and they should be returned to the youth.

Response: The Education Unit continues to work to ensure compliance with COMAR and MSDE, and improve delivery of educational services in all DJS programs.

- **Unabated 30 Days or More:** Vocational training continues to be minimal in the Youth Centers. While the Department indicated that it is “working to enhance vocational instruction beyond the 3.25 hours received weekly when the teacher is available,” no evidence of that change has been realized.

Response: DJS Education administrators are working with the Youth Centers to provide the required five hours of education per day. The Department is currently in the process of hiring two physical education/health teachers to help increase the number of hours of education provided. There are currently three full-time vocational teachers at the Youth Centers and we are reviewing the scheduling to determine how best to increase instruction time.

The **Young Women’s Facility of Maryland at Waxter** is a State owned and operated detention/residential treatment facility located in Laurel, Maryland. The facility houses females under the age of 18 and is comprised of one detention unit and three programming units. The facility is operated under DJS Detention Standards and other DJS policies and procedures.

- **Unabated for 30 Days or More:** Although the population has been drastically reduced, incidents of assault and use of force continue to occur at a rate of nearly 1 every other day. There must be more of an effort to proactively address this problem and reduce these incidents. Changes will be made to the DJS 2004 data collection system to indicate which use of force injuries and assaults result in “no injury” instead of noting “no injury/minor injury.”

Response: Staff training for gender specific programming is scheduled for May 2004. Such training will enhance the development of proactive measures to reduce incidents.

- The Monitor has met with the Anne Arundel County Child Protective Services several times and spoken with the State Attorney's Office, and they appear very receptive to establishing a written agreement for a child abuse/neglect response protocol for Waxter. A meeting was also held with the Maryland State Police on 11/6/03 and they also appeared receptive. The roles and responsibilities of each agency must be clearly defined in the proposed agreement. In addition, all investigators must become familiar with the restraint policy and procedures used by DJS so they can determine if the restraint was properly applied.

Response: Facility administration is arranging a meeting between with State Police, DSS and DJS on this issue. In addition, all investigators from the Investigations Unit are retired law enforcement officers that have been certified under Maryland Police Corrections Training Commission. These individuals are well versed in use of force and other investigative methods relating to all types of criminal and administrative investigations. Most of the investigators have served on major metropolitan police departments and have conducted all types of criminal investigations. The investigators have observed restraint policy and training and are able to investigate these incidents as they occur.

- **Unabated for 30 Days or More:** Investigations are not always thorough in follow-up.

Response: The Assistant Secretary for the Office of Professional Responsibility and Accountability reviews all investigative reports and is consulted on all major investigations involving the Department and disagrees with the subjective statement made by the Independent Monitor. The Independent Monitor at Hickey has been advised to contact the Investigators, Child Advocates and Performance Monitor on-grounds whenever he has a concern.

The Office of Professional Responsibility and Accountability issues a monthly report to the Secretary with concerns that are observed daily at the facilities. This monthly report is given to all appropriate persons for a corrective action plan.

- **Unabated for 30 Days or More:** The Investigation and Child Advocacy Unit has not responded to requests from this Office concerning investigative reports and actions and advocate reports. The Department of Juvenile Services and this Office have entered into a Standard Operating Procedure agreement that includes obtaining copies of investigative reports within three days upon the completion of an investigation. The Monitor has repeatedly requested information and updates on investigations with very little success. DJS must provide this Office with requested information consistent with our statutory authority and with the Standard Operating Procedure.

Response: On November 23, 2003 both Secretary Montague and Secretary Garland agreed to a Memorandum of Understanding. The Assistant Secretary for the Office of Professional Responsibility and Accountability contacted the Executive Director of the Independent Monitors and inquired of him how he wished to receive investigative reports and/or grievances. The Executive Director advised the Assistant Secretary that he would get back to him after the first of year. To date, he has not contacted the Assistant Secretary about receiving reports. The Independent Monitor for Waxter has been told that until this agreement is worked out he is welcomed to come to the Investigative Office and review any reports. Currently, the Assistant Director of Investigation has numerous reports in his office since the signing of the Memorandum of Understanding. As soon as the Executive Director decides how he wishes to obtain them, he may have them. Also, the same arrangement was made with Executive Director for picking up Child Advocate grievances. They are also ready to be picked up. A letter will be sent to Executive Director in an attempt to resolve this issue.

- The youths have complained about seeing rodents in the facility and one youth was transported to the hospital after being bitten by an unknown insect and her arm swelling and becoming numb. If not already completed, the facility needs to be inspected for rodent/insect infestation and fumigated.

Response: Management at the facility has not received any reports of rodent sightings by youth. The Department has a contract with an extermination company to spray twice a month. The company also inspects the facility for any problems during these visits and takes additional corrective measures as needed. As to the youth taken to the hospital, the medical report indicated the youth to have a bacterial infection (streptococcus meticilian resistant staph aureus) unrelated to an insect bite, which has been appropriately treated.

- On 11/12/03 the Monitor reviewed several Individualized Education Plans (IEPs) with the special education coordinator at the facility. The coordinator appeared very professional, sincere and energetic about her position at the facility. The IEPs were very complete and comprehensive except for one without parent signatures. The coordinator advised that she does try to invite parents to the meetings, but they seldom attend. Additional follow-up should occur to acquire parental signatures.

Response: Monthly Parental Advisory Council meetings are conducted and the coordinator receives parental signatures as required.

- Other special education concerns noted by the Monitor include: more specialized resources are needed for the youths, including computers and specialized instructors; the area designated for special education is extremely small and only

4 youths can be accommodated in the 10' by 12' office at any one time; and the special education coordinator should have an assistant.

Response: The Director of Education is reviewing the concerns raised.

- **Unabated for 30 Days or More:** On 11/16/03 the Monitor contacted the facility by telephone and spoke with the shift leader. He advised the youths were participating in church, leisure time and board games but there was not enough staff for outside recreation. The facility must maintain adequate staffing to allow the youths outside recreation every day if the weather permits.

Response: A recreational staff has been assigned to the facility to coordinate recreational activities. Youth receive one hour of heavy muscle activity daily and outdoor recreation, as established by the recreation schedule.

- It should also be noted that the facility superintendent has been very active in trying to accelerate the hiring process by handling drug screening and fingerprinting requirements at the facility; however, there are concerns that the overall process for hiring is too lengthy and that the facility may not be able to retain well qualified staff due to poor compensation.

Response: The process must ensure that appropriately qualified people are hired to work with our youth. The Department has requested additional funds to improve salaries of direct care workers.

- Some logs are not being maintained in permanently bound books with pre-numbered pages. This Office previously addressed this concern subsequent to a suicide that occurred in March of 2001.

Response: All logs are currently maintained in permanently bound books, as required by Assistant Secretary Procedural Directive #13 Log Book Written Documentation and are regularly audited.

- The gate area between the recreation yard and the education trailers has sharp metal rods protruding from the ground that could cause a youth or staff to trip or would produce a serious injury if a youth or staff person fell onto the metal.

Response: The protruding rods will be removed and the area cemented.

- There is a concern that some of the beds have posts and openings in the corners that pose a suicide risk.

Response: Those beds identified will be incrementally replaced with suicide resistant beds over the next fiscal year.

- **Unabated for 30 Days or More:** During interviews with staff, all emphasized that the majority of staff are committed, sincere and caring, doing the best they can with what resources are available. However, staff also mentioned the following concerns: a lack of space; a concern about staff not being consistently assigned to specific areas to enhance staff/youth interaction; staff shortage/ turnover; youth not getting their mental health needs met; a conflict with other programs and activities concerning substance abuse scheduling; a lack of training for youths in the areas of home economics, vocational, and business training; a shortage of cleaning supplies and hygiene products (not stocked on the unit); and a lack of public relations for more community involvement.

Response: The Department is currently processing requests to hire at this facility to augment staffing, scheduling and services. Staff from the Female Population Task Force is also assisting the facility in enhancing gender specific programming. Adequate cleaning and hygiene supplies are maintained at the facility. As units need additional supplies, they are provided by the shift commander, who has access to the storage areas.

- The Monitor attended a Female Population Task Force meeting on 11/21/03 and was encouraged by the leadership in DJS taking such an active role in discussing and supporting the efforts of the different programs for females. There was no representative from the Waxter facility at the meeting. Waxter is the largest female detention/programming facility in this State and there should always be a representative at these meetings to discuss problems and concerns with other leaders who can lend support. The superintendent at Waxter advised that she would have a staff person from the confinement/review team assigned to the task force meetings.

Response: A representative from Waxter center is currently attending the monthly Female Population Task Force Meetings. Staff from the Female Population Task Force is also assisting the facility in enhancing gender specific programming.

Baltimore City Juvenile Justice Center is located near downtown Baltimore City. It has the capacity to house 144 male youth solely for detention. The property is owned and operated by the Department Juvenile Services. This facility is governed by DJS Secure Detention Standards. This facility opened October 30, 2003.

- BCJJC must adhere to the seclusion policy per DJS Detention Standards. It cannot use its own system for placing youth in and documenting seclusion.

Response: Supervisors of Group Life are versed on DJS Detention Standards as it relates to the use of seclusion. Seclusion is only used where a youth presents a danger to himself or others. Seclusion is monitored using DJJ 01.01 Documentation of Observation While in Seclusion.

- DJS must repair all glass that is breakable in areas accessible by youth, including bedrooms and dayrooms.

Response: DJS and DGS are working diligently to resolve these issues.

- The sprinkler heads in areas accessible by youth are not tamper-proof and require replacement.

Response: DJS and DGS are working diligently to resolve these issues

- The shower doors and associated hardware are not tamper-proof. On December 12, 2003 youth used this material to cause significant damage to the facility. This equipment needs to be replaced immediately.

Response: DJS and DGS are working diligently to resolve these issues

- In addition to the above referenced architectural and design issues, DJS should secure the services of a professional architectural and design firm specializing in secure correctional facilities in order to review all equipment and furnishings to ensure that it meets acceptable standards for a secure detention facility.

Response: DJS and DGS are working diligently to resolve these issues

- Grievance boxes have not been installed in this facility resulting in this facility being out of compliance with DJS policy and procedure.

Response: Twelve grievance boxes have been installed in five pods. There is also one grievance box installed in the cafeteria. Locks have been ordered for all boxes. A Child Advocate has been assigned to the Baltimore City Juvenile Justice Center. The Child Advocate interacts with youth on a daily basis and brings all concerns to the attention of the Managing Director and Assistant Director of Child Advocates.

- Programming for residents must be enhanced in the areas of religion, physical exercise, board games and therapeutic group forums.

Response: Staff experienced in recreational programming with working with the Director of Detention to develop recreation plans. BCJJC has purchased a number of board games as well as sports equipment (e.g., basketballs, volleyballs and net, and footballs). The large room next to the gymnasium is utilized as a game room. It is equipped with a television for table games, video games and movies.

Further, BCJJC's education program has entered into an agreement with the Maryland Institute of Art in implementing a weekly after-school arts and crafts program.

- Staff must undergo more training in the areas of crisis management and compliance and familiarity with DJS Standards, Policy and Regulations.

Response: Staff in-service training will emphasize crisis management and DJS standards.

- This facility houses only males, many of whom are products of single female-headed households. The majority of the direct care staff are female. Hopefully, DJS can recruit qualified males to work at BCJJC.

Response: No comment.

- The infirmary should be immediately fully equipped and stocked to become fully operational immediately.

Response: DJS medical unit is addressing this issue.

Ferndale House is a State owned and privately operated facility located in northwest Baltimore. It has a capacity to house six male youth providing respite care services which are mandated by DJS policy and standards and COMAR.

- As of October 1, 2003 this facility was closed. It is recommended that DJS convert this facility to shelter care.

Response: DJS has requested funding to convert this facility to a shelter program for females. To date no information on funding approval has been received.

Maryland Youth Residential Center (MYRC) is a Department of Juvenile Services (DJS) owned and operated 24-bed shelter care facility that is located in Baltimore City.

- With the addition of the twelve beds for 10-12 year olds from Cheltenham, the overall program for the facility has expanded. In order to continue the level of programming, a van must be procured for transportation purposes.

Response: DJS is reviewing this matter.

Mount Clare House is located on the fringe of downtown Baltimore City. The two-story house facility is owned by the Department of Juvenile Services (DJS). The vendor for this facility is First Home Care Corporation. It is a twelve-bed group home that serves

male youth (ages 15 ½ - 18) who have emotional and behavior problems. The length of stay is nine months to one year. A cook on-site prepares meals. Although licensed by DJS, the group home also contracts four beds with the Department of Human Resources (DHR) and four beds with the Department of Health and Mental Hygiene (DHMH). This facility is governed by COMAR.

- This past year the inappropriate placements have decreased favorably. It appears that the referring agencies are addressing this issue.

Response: No comment

William Donald Schaefer House is a nineteen bed locked door facility for male youth who have a history of alcohol or drug abuse. The property is owned and operated by the Department of Juvenile Services (DJS). This is the only DJS operated facility that is regulated and licensed under COMAR. It is located in a residential setting in north Baltimore.

- **Unabated for 30 days or more:** As previously referenced in the last quarterly report, the program's success rate is still unknown due to the lack of evaluation and tracking of youth after discharge.

Response: The Department's Research Unit will be advised to provide the results of their evaluation, once completed.

- **Unabated for 30 days or more:** Repairs on the second floor bathroom have not been made.

Response: Funding to repair the bathroom has been requested from Department of General Services.

- The tiles on the kitchen floor are loose or missing. This is a health and safety hazard and should be repaired immediately.

Response: The DJS Facility Maintenance staff completed repairs on 3-9-04.

Catonsville Structured Shelter Care (GUIDE) is a privately operated non-secure facility located on Department of Juvenile Services' property. The current license allows for a capacity of ten male youth. The current vendor is held accountable for its services by Code of Maryland regulations (COMAR) and certain Maryland Department of Juvenile Services licensing requirements.

- **Unabated for 30 days or more:** DJS case managers are not providing the facility with the required social and medical background of youth at time of referral. This

results in inappropriate placements and inadequate programming and services. Many of these youth may also be at risk of being AWOL.

Response: The Area Directors were notified of the above and directed to ensure appropriate documentation accompany the youth.

The **Charles H. Hickey School** is a privately run facility located on State property. The facility is comprised of detention units and programming units designed for 30 days to 6 months programs. Correctional/Service Corporation (CSC) is the current vendor in the facility and it is held accountable for its service to Maryland's youth through the Code of Maryland Regulations (COMAR) and certain Maryland Department of Juvenile Services (DJS) licensing requirements, Detention Standards and Conduct Standards.

- **Unabated for 30 Days or More:** Occurrences of child neglect/abuse, assault and use of force incidents continue at a rate of more than 2.5 per day. DJS and Hickey should be commended for making sure incidents are reported, however, there must be more of an effort to proactively address this problem and reduce these incidents.

Response: Efforts continue to reduce incidents. The Department has secured cost estimates to install video surveillance cameras.

- Based upon a review of the Baltimore County Department of Social Services records, more than 70 investigations have been conducted at the facility since 7/1/02 and approximately 25% have resulted in an indicated finding. Another 30% have resulted in an unsubstantiated finding, which means there was not enough evidence to rule out the case but there was also not enough evidence to prove there was neglect or abuse. DJS statistics indicate there have been only 32 cases of child abuse/neglect at the facility while DSS records indicate a much higher number of investigations.

Response: During this 18 month time period there were 550 incidents of staff using force on Charles H. Hickey, Jr. youth. All incidents were investigated in some method. The DJS incident data base reflects that 29 of these incidents were investigated as child abuse by Child Protective Services, Maryland State Police and DJS. Of the 29 alleged child abuse cases, 8 were sustained, resulting in 10 staff being terminated. The Interagency Working Agreement between all parties was established in October 2003. Since the interagency agreement was established, Child Protective Services has become more aggressive with addressing child abuse incidents at the Charles H. Hickey, Jr. School.

Currently, there is increased Maryland State Police presence at the Charles H. Hickey, Jr. School, Monday through Friday from 9:00 a.m. to 5:00 p.m. The Department has developed a Security Plan which will be implemented upon the

State running the facility. Day-to-day Maryland State Police presence will continue. Hopefully this will assist in reducing violent incidents.

Investigators and Child Advocates are on grounds seven (7) days a week, 7:00 a.m. – 9:00 p.m. Periodic review of the log book for this particular Independent Monitor indicates that he is on grounds no more than three (3) times period month. It appears that the Independent Monitor conducts most of his business via telephone with employees. The questions raised could be addressed immediately if the Independent Monitor took the time to communicate with the Investigators, Child Advocates and Performance Monitors. The Independent Monitor is present during the Multi Disciplinary Team Meetings. This is a venue where the Independent Monitor can address any concerns or issues he may have regarding a particular case. There is also a need for the Independent Monitor's reports to be submitted in a more timely manner. Late submission of these reports make it difficult for incidents to be addressed when they are several months olds.

- The Baltimore County Interagency Agreement on the Investigation of Child Abuse and Neglect at the Charles Hickey School is currently under review by the State Attorney General's office. Completion of this written agreement will help solidify the responsibilities and requirements of each agency. There has been some success in cooperation between the Department of Juvenile Services and the Baltimore County Department of Social Services in child abuse/neglect investigations. Multi-disciplinary meetings for child abuse and neglect are being well attended by all concerned agencies. However, there still remains some lack of cooperation and coordination between investigators, at times.

Response: Assistant Secretary for the Office of Professional Responsibility and Accountability has spoken with the highest level of management for the Maryland State Police and Child Protective Services. Neither agency has any complaints regarding interacting with Investigators and Child Advocates. Investigators and Child Advocates meet regularly with Child Protective Services and Maryland State Police representatives. The Independent Monitor needs to bring specific concerns to his Executive Director who should in turn bring those concerns to the Assistant Secretary for the Office of Professional Responsibility and Accountability. Also, the Independent Monitor for Hickey has been advised on numerous occasions that if he has any concerns he should check with the Investigator, Child Advocates and Performance Monitor assigned to the case to resolve those issues.

- **Unabated for 30 Days or More:** The Investigation and Child Advocacy Unit has not been fully cooperating with this Office concerning investigative reports and action, and advocate reports. The Department of Juvenile Services and this Office have entered into a Standard Operating Procedure agreement that includes obtaining copies of investigative reports within three days upon the completion of an investigation. The Monitor has repeatedly requested information and updates on investigations with very little success. DJS must provide this Office with

requested information consistent with our statutory authority and with the Standard Operating Procedure.

Response: On November 23, 2003 both Secretary Montague and Secretary Garland agreed to a Memorandum of Understanding. The Assistant Secretary for the Office of Professional Responsibility and Accountability contacted the Executive Director of the Independent Monitors and inquired of him how he wished to receive investigative reports and/or grievances. The Executive Director advised the Assistant Secretary that he would get back to him after the first of year. To date, he has not contacted the Assistant Secretary about receiving reports. Currently, the Director of Investigation has numerous reports in his office since the signing of the Memorandum of Understanding. As soon as the Executive Director decides how he wishes to obtain them, he may have them. Also, the same arrangement was made with Executive Director for picking up Child Advocate grievances. They are also ready to be picked up. A letter will be sent to Executive Director in an attempt to resolve this issue.

- A sexual abuse allegation was not investigated by DJS but was investigated by DSS. On 9/8/03, DSS accepted an allegation of suspected sexual abuse from a DJS child advocate that had reportedly occurred on 9/2/03. DSS completed its investigation in November and the report reflects several attempts to coordinate the investigation with DJS with no response. The case was considered unsubstantiated because the DSS investigator could not identify who the assailants were although the victim youth presented as "clear and credible" during his disclosure. Repeated efforts by the Monitor to obtain updated information on DJS's response to this incident were not acknowledged.

Response: Office of Professional Responsibility and Accountability investigation concurs with the Department of Social Services finding of unsubstantiated. The Independent Monitor has been advised to contact the Investigator, Child Advocate and Performance Monitor to clear up and resolve the issues when they arise. The Office of Professional Responsibility and Accountability has taken proactive measures to increase the investigative presence at Charles H. Hickey, Jr. School based on the numerous incidents reported. The Department of Juvenile Services Investigator's presence could certainly assist the Independent Monitor in his efforts to obtain accurate information and resolve the issues in a timely fashion. Many of the Independent Monitor's questions can be resolved immediately by meeting with the Department of Juvenile Services Investigator, Child Advocate and Performance Monitor on-grounds at the Charles H. Hickey, Jr. School.

- Another case of suspected abuse resulted in a youth receiving a broken arm on 10/10/03 when he was restrained on the ground by staff. Unfortunately, the youth is 18 years old so DSS is not involved in the investigation. A DJS investigator requested that the staff be suspended but Hickey administrators told her that the State Police had already cleared the staff of any violations. The Monitor contacted the State Police on 10/31/03 to determine their findings and it was

determined that the investigation was still ongoing. Although Hickey administrators advised that the staff person was sent for restraint re-training, a DJS child advocate reportedly observed the suspected staff teaching restraint procedures to other staff persons.

Response: The DJS investigator did not sustain the allegation. There was a lack of preponderance of evidence to prove the allegation. The Independent Monitor has been advised to contact the Investigator, Child Advocate and Performance Monitor to clear up and resolve the issues when they arise. The Office of Professional Responsibility and Accountability has taken proactive measures to increase the investigative presence at Charles H. Hickey, Jr. School based on the numerous incidents reported. The Department of Juvenile Services Investigator's presence could certainly assist the Independent Monitor in his efforts to obtain accurate information and resolve the issues in a timely fashion. Many of the Independent Monitor's questions can be resolved immediately by meeting with the DJS Investigator, Child Advocate and Performance Monitor on-grounds at the Charles H. Hickey, Jr. School.

- Another case of suspected physical abuse occurred on 8/22/03. Hickey personnel submitted a DJS incident report for a use of force – minor/no injury. The youth was involved in a restraint with a staff person and DSS was notified. The youth was involved in another incident on 8/24/03 and the youth suffered an injury to his wrist during a wristlock procedure and although Hickey medical personnel treated the youth's injuries, they failed to notify DSS of suspected abuse. DJS also failed to notify DSS or the State Police of the incident.

Response: Both cases were closed. There was no indication of improper force by staff. The Independent Monitor has been advised to contact the Investigator, Child Advocate and Performance Monitor to clear up and resolve the issues when they arise. The Office of Professional Responsibility and Accountability has taken proactive measures to increase the investigative presence at Charles H. Hickey, Jr. School based on the numerous incidents reported. The Department of Juvenile Services Investigator's presence could certainly assist the Independent Monitor in his efforts to obtain accurate information and resolve the issues in a timely fashion. Many of the Independent Monitor's questions can be resolved immediately by meeting with the Department of Juvenile Services Investigator, Child Advocate and Performance Monitor on-grounds at the Charles H. Hickey, Jr. School.

- This Office also requested information relating to Child Advocacy reports but there was no reply for several weeks. Finally, a report was forwarded that focused on the Hickey School, which was very comprehensive and well written, but requests for additional information and clarification have gone unanswered. The Monitor has requested copies of the previous three reports with no response from DJS.

Response: The Assistant Secretary for the Office of Professional Responsibility and Accountability sends a monthly report of grievances to the Executive

Director for the Independent Monitor. The Independent Monitor for Hickey inadvertently received a copy of the Office of Professional Responsibility and Accountability monthly report that is addressed from the Assistant Secretary to the Secretary. This monthly report is not covered under the Memorandum of Understanding and therefore the Independent Monitor will not receive confidential communication between the Assistant Secretary and the Secretary.

- **Unabated for 30 Days or More:** Visits on detention units have revealed a lack of education and programming. Two of the Monitor's visits revealed no school occurring on the detention unit. Reasons supplied at the time were that staff were involved with moving their supplies and offices back into the Pratt School following asbestos repairs, and the second reason was that youths were supposed to be watching a movie but one staff had gone home early due to sickness and had not left the remaining staff any movie for the youths to watch.

The Thoroughbred Retirement Foundation Equestrian Program has been revived due to the concerted efforts of the Hickey School and DJS child advocates. According to a Hickey School Child Advocate report, nine youths were involved in the program as of November 19, 2003.

The barbering program is also operating well but has not yet been certified by the Maryland State Department of Education. There are currently 4 youths taking advantage of the barbering training program.

The Monitor conducted an unannounced visit to the Applied Learning Center on 11/13/03 and determined that 16 youths were involved in the horticulture program. The printing program was not operating and the auto shop teachers were in training. There is no current carpentry or construction program in operation.

Therefore, it appears that no more than 30 or 40 youths are participating in any vocational training programs at any one time with a youth population of approximately 250 youths housed at the facility.

Response: DJS is working with Hickey School to enhance vocational training programming. It is expected that the Applied Learning Center will be fully operational effective April 1, 2004. MSDE is scheduled to take over education services at Hickey on July 1, 2004 and vocational training will be a focus for some youth.

- **Unabated for 30 Days or More:** Youths are still being inappropriately placed in seclusion for extended periods of time. During one particular visit on a Monday, the Monitor observed a youth who had been in seclusion since Friday for fighting. Youths should not be placed in seclusion for any longer than absolutely necessary to help the youth calm down and to protect the youth or others from harm or to prevent escape. The Hickey staff advised that the youth had been continually banging on his door and acting disorderly, although the Monitor's conversation

with the youth failed to reveal any such hostilities. In any event, the behavior observation sheet did not reflect any ongoing concern with the youth's behavior and the Monitor advised Hickey staff to make sure ongoing concerns about a youth's behavior are noted on the report and that the appropriate reports be filled out for any seclusion beyond 8 hours.

Response: DJS monitors and child advocates review seclusion logs daily to ensure compliance with seclusion policies.

- Youths with severe mental health problems and/or severe suicidal or self-injurious tendencies should not be placed at the Hickey School. On November 18, 2003, Hickey administrators and child advocates notified the Monitor that a youth requiring intensive mental health services had been placed at the Hickey School. The youth has had many previous placements at Hickey and he has been involved in numerous incidents of self-injurious activity that has required his transfer to intensive mental health facilities. The youth was placed on the Jackson Unit under one-to-one observation, which required the deployment of extra staff for monitoring purposes. The Monitor contacted the facility on November 23 to ascertain the status of the youth's monitoring and learned that the youth had attempted to harm himself on the evening of November 22 and was transported to St. Joseph's Hospital for treatment and observation. He was subsequently transferred to Crownsville State Hospital for evaluation and treatment on November 24. A court hearing was held on 12/3/03 and the judge ordered a DJS evaluation, a Department of Health and Mental Hygiene evaluation and a discharge summary from Crownsville State Hospital.

The Monitor also discussed the case with DJS Central Office and Field Services staff and was provided conflicting information concerning if DJS was seeking alternative placement of this youth. It is unknown if this case had been presented to the LCC to authorize a more appropriate placement. DHMH needs to become more involved in this type of case to assist with developing a long-term plan to address this youth's needs and possibly place this youth in an appropriate facility to prevent him from committing further harm to himself.

Response: The Department is working collaboratively with DHMH to better serve youth with significant mental health needs

- The pedestrian sally port gate was not operating during a visit to the facility on 12/22/03. Staff in the guardhouse advised that the gate had not been working for several days.

Response: The pedestrian sally port gate is currently operational.

- **Unabated for 30 Days or More:** Lock replacements are being made on the bedroom doors of Clinton Hall but there are other locations throughout the facility that need new locks also. Staff on Ford Hall advised that they are extremely

concerned about the faulty locks on the unit. They feel they have no control over the youths and the youths' abilities to assault each other in their rooms.

Response: The locks on Clinton Hall have been replaced. The Department plans to replace locks on Ford Hall.

- Numerous maintenance concerns were also identified on Lincoln Hall on 12/4/03. The locks on doors were not working, including the lock on the closet that contained caustic/hazardous materials. Several rooms could not be used due to broken and exposed metal bunk beds, broken lights with hanging/exposed wires and a broken glass window. Staff on the unit showed the Monitor maintenance requests that had gone unheeded for up to several months. Hickey administration was notified of the concerns and they agreed that unsafe rooms would not be used by youths and the lock on the closet was repaired immediately.

Response: Administration is holding maintenance unit accountable to correct maintenance issues.

- On the request of this Office, a training needs assessment is currently being conducted at Hickey by the National Juvenile Detention Association Center for Research and Professional Development. The results of the training needs assessment must be made available to all concerned agencies for discussion and evaluation.

Response: The training needs assessment has been a joint effort between DJS and OIJM. The results of the assessment have been made available to the appropriate persons.

- Hickey has recently supplied requested data pertaining to Medical Reimbursements Claims at the facility. Outside medical costs appear extremely high (\$188,000 for 18 months). The Monitor is in the process of analyzing what medical costs are attributable to assaults, neglect, abuse and use of force. It does appear that most of the money spent on medical claims is directly proportionate with incidents of violence at the facility. It is also recommended that DJS explore these claims to determine the costs for treatment associated with violence, use of force and assaultive behavior.

Response: No comment

- The Hickey medical claims processor advised that DJS case managers are responsible for completing a Medical Assistance application and many case managers fail to comply with this requirement. Failure to comply often results in a loss of Medicaid benefits. DJS should maintain a list of youths who do not have insurance and make sure applications are completed on a timely basis.

Response: DJS is aware of this issue and have taken action to ensure case managers complete medical assistance application in a timely manner.

- Hickey transportation must ensure youths are consistently and punctually transported to their court appointments and programs. There have been two recent cases where this did not occur.

Response: Hickey School recently purchased two additional vans that will facilitate timely transports. The Department will continue to monitor and assess liquidated damages when Hickey School fails to make timely transports.

The **Thomas O'Farrell Youth Center** is a privately run facility on State property that houses 43 adjudicated delinquent young men and an off-campus Transitional Living Continuum shelter care (TLC) houses 7 more.

- **Unabated for 30 Days or More:** Conversations with staff determined that a coordinator for vocational programming has not been hired. There remains a lack of vocational training and community activities at the facility. On 11/16/03, youths were scheduled to attend church and community service but they were just sitting and watching television. Several youths complained that instead of being involved in scheduled activities, they often sit and watch television.

Response: A Vocational Coordinator was hired February 9, 2004. Coordinator teaches pre-employment skills and life skills training on Tuesdays and Thursdays. Also develops/monitors work program on and off grounds, and conducts vocational field trips.

- Several teachers complained about a lack of adequate supplies, including textbooks, dictionaries, bookcases, paper and computers.

Response: Education department has purchased updated curriculum, books, and lesson planning materials. We received 15 computers through MSDE grant for computer class and resident use.

- Some staff and teachers also complained about a shortage of space for meetings and other activities.

Response: The facility has a donated trailer from JHAPL in desperate need of renovation. The facility is seeking donations/grants for rehab expenses to provide additional operating space.

- **Unabated for 30 Days or More:** The Investigation and Child Advocacy Unit has not been fully cooperating with this Office concerning investigative reports and actions, and advocate reports. The Department of Juvenile Services and this Office have entered into a Standard Operating Procedure agreement that includes

obtaining copies of investigative reports within three days upon the completion of an investigation. The Monitor has repeatedly requested information and updates on investigations with very little success. DJS must provide this Office with requested information consistent with our statutory authority and with the Standard Operating Procedure.

Response: On November 23, 2003 both Secretary Montague and Secretary Garland agreed to a Memorandum of Understanding. The Assistant Secretary for the Office of Professional Responsibility and Accountability contacted the Executive Director of the Independent Monitors and inquired of him how he wished to receive investigative reports and/or grievances. The Executive Director advised the Assistant Secretary that he would get back to him after the first of year. To date, he has not contacted the Assistant Secretary about receiving reports. Currently, the Director of Investigation has gathered numerous reports in his office since the signing of the Memorandum of Understanding. As soon as the Executive Director decides how he wishes to obtain them, he may have them. Also, the same arrangement was made with Executive Director for picking up Child Advocate grievances. They are also ready to be picked up. A letter will be sent to the Executive Director in an attempt to resolve this issue.

- A Child Grievance report dated 11/4/03 indicated there were 14 grievances submitted from January to June, and no grievances were submitted from July through October. Requests to ICAU for clarification and follow-up information have not been answered.

Response: Due to expanded coverage at Hickey and Cheltenham, Child Advocate visits were suspended to this facility. The Director of the facility was notified that if any grievances were filed he was to contact The Assistant Director of Child Advocates. Contract Performance Monitors still make visits to ensure that the Department's policy and procedures are being followed. This information was relayed to the Executive Director of the Independent Monitor.

The Sykesville Shelter Group Home is a privately run structured shelter care home located on State property. The facility houses up to 10 females, but due to space limitations, 8 females can be housed comfortably.

- There is no alarm system available for staff persons to be made aware of an AWOL. The facility is located within a community with stores, transportation and a State highway in close proximity. DJS is ultimately responsible for the care and custody of youths under its control. It is recommended that DJS explore the possibility of placing some type of alarm or silent notification system in the facility to alert staff to any AWOL.

Response: The Department will review the recommendation and respond by the end of FY 2004.

The **Eastern Shore Structured Shelter Care (ESSSC)** is a privately run shelter care home located in Cambridge, Maryland on State owned grounds of the Eastern Shore Hospital Center. The facility houses up to 8 males and 2 females. The facility operates under the Code of Maryland Regulations (COMAR).

- The ESSSC was permanently closed on January 11, 2004 as a result of DJS allowing the contract for services to expire. The facility had no more than two youth since November. Because ESSSC was the only shelter on the Eastern Shore, the Office of the Independent Monitor (OIM) is concerned about DJS' ability to place court ordered shelter care youth and those ineligible for detention but in need of housing until placement. The closest shelter for boys is approximately 2½ hours away at the Cheltenham Youth Facility in Prince George's County. The closest shelter for girls is approximately 3 hours away at the Sykesville Shelter in Howard County.

Response: The Area Director for the Eastern Shore is developing a program for foster care, wrap-around services and purchasing per diem beds for youth ineligible for detention but in need of housing until placement.

The **J. DeWeese Carter Children's Center** is a 24-bed detention facility located in Chestertown, Maryland. The facility houses both males and females between the ages of 12 and 18 years old. The facility operates under DJS Detention Standards and other DJS policies and procedures.

- The facility Superintendent remains in acting status.

Response: The hiring process for this position will be concluded prior to FY 2005.

- The vacant social worker and special education positions have been filled. Interviews for other vacant teaching positions are pending.

Response: No comment.

- The facility's population has decreased since the November opening of the Lower Eastern Shore Children's Center in Salisbury, Maryland. The youth are no longer required to sleep 4-5 per room or in the hallways on cots. On November 18th, the population was 21 and 24 approximately one month later. The two superintendents coordinate the transfer of youth to minimize overcrowding.

Response: Transfer Alert/Request forms are completed by the facility administrator and forwarded to the Office of the Assistant Secretary for Residential Services for authorization.

- The traveling barber/beauty shop cuts the boys hair on a weekly basis. Although the barbers will cut the girls hair, the female staff help the female residents maintain their hair. Female residents should also have the opportunity to have their hair groomed professionally. Chemical treatments should be applied only by trained professionals and not by facility staff.

Response: The facility administrator is researching vendors to provide female hair care. Services and products used must comply with State health and safety regulations.

- **Unabated for 30 Days or More:** Adjudicated youth continue to be housed at the facility for longer than 30 days.

Response: Confinement Review Team is aggressively reviewing youth cases to reduce the length of stay.

- **Unabated for 30 or More Days:** The facility maintenance staff fails to conduct weekly inspections of the housing units. The bathroom shower on the first unit has a significant buildup of mildew. The bathroom ceiling tile over the shower on the second unit has a large hole in it. Youth can hide weapons or other contraband in this area. Mildew was also growing in the shower. The facility's bathroom vents are not suicide proof.

Response: Shower tiles have been replaced and caulking completed to eliminate exposed areas. Showers are cleaned weekly with a product that eliminates mildew and soap build-up

The Cheltenham Youth Facility (CYF) is a State owned and operated facility located in Cheltenham, Maryland. Within the reporting period, the facility was downsized from six detention units to four. The population is approximately 100. The facility also has one 24-bed shelter. The facility operates under the DJS Detention Standards and other DJS policies and procedures.

- In December, four cottage staff members (including the Unit Manager) were terminated due to allegations that they assaulted a youth after he refused to go to his room. The youth suffered bruised ribs, a swollen jaw and scratches on his neck from the incident and one staff injured his ankle. The staff failed to report the all of the details of the incident to the shift commander after the youth was allegedly beaten and dragged to his room. The Maryland State Police and Prince George's County Department of Social Services continues to investigate the allegations. Another staff member remains on administrative leave pending a criminal trial for a separate alleged assault on another youth that occurred in September.

Response: This incident was uncovered by the Department of Juvenile Services and reported to the Office of Professional Responsibility and Accountability who consulted with Maryland State Police to bring this case to a successful conclusion.

- In November, the National Juvenile Detention Association (NJDA), at the request of this Office and DJS, conducted a training needs assessment, which will result in recommendations for the development and implementation of new core curricula for detention line staff. DJS should proceed with implementing proposed recommendations.

Response: Training is scheduled to begin in April 2004

- The roof on Rennie Cottage has a leak that spills water onto the youth in the dayroom during wet weather.

Response: An assessment of the building and interviews with youth reveal waters does not leak in the dayroom during wet weather.

- The housing units received new furniture for the dayrooms and dining areas.

Response: No comment

- **Unabated for 30 Days or More:** Although the population has been reduced, the facility continues to experience excessive violence. In October, group disturbances occurred with Whyte Cottage and Henry Cottage. During one disturbance, Whyte Cottage youth broke into Henry Cottage and assaulted youth and staff. On November 24th, six fights were reported. In December, Neal and Murphy cottages engaged in a group fight in the dining hall and a group disturbance occurred on Henry Cottage. Inadequate staffing levels, under-trained staff, and the lack of adequate programming have been major contributing factors.

Response: The population has been significantly reduced, staffing levels enhanced and programming increased. Resource and game rooms have been established on all cottages. Incidents have declined, specifically youth on youth assaults and group disturbances have been almost completely eliminated in 2004.

- **Unabated for 30 Days or More:** Although this Office cited the under-reporting of incidents at this facility dating back to January 2002 and during the last two quarterly reports, a review of the facility logbooks and incident reports continues to indicate the problem currently exists. The facility has assigned a staff member to monitor the incidents reported to the Tour Office being typed into the Office of Professional Responsibility and Accountability's (OPRA) Incident Reporting Database. However, many times, incidents documented in the unit logbooks fail to match up with incidents documented in the tour office logbook. Previous corrective action proposed by DJS has failed to adequately remedy this matter.

The DJS Incident Reporting Database, therefore, underestimates the true incidence of occurrences within this facility. This Office remains concerned regarding the level of violence in this facility and the safety of both youth and staff.

Response: Investigators have been directed to aggressively monitor the reporting procedures and report to the Assistant Secretary of the Office of Professional Responsibility and Accountability on a monthly basis. A follow up audit will be conducted in the near future

- **Unabated for 30 or More Days:** The facility continues to lack an enhanced evening program. More services are needed to meet the vocational, educational, and recreational needs of the youth.

Response: Educational and life skills groups are conducted during the evening. Resource and game rooms are on each cottage to enhance services.

The **Western Maryland Children's Center**, a secure juvenile detention facility, is facing a major crisis with regard to the health, safety, and security of youth and staff. The facility has been open since September 2003, and consists of one twelve-room pod, and two six-room pods.

- Only the twelve-room pod has been open because of facility-related problems. The heating system has been problematic as has been the hot water system.

Response: DJS and DGS are working diligently to resolve these issues.

- The most recent and serious problem facing the Center is that youth have been breaking the vitreous china toilets, and using the knife-like shards to harm, and/or threaten harm to themselves and staff. Though programming has been strong and the staff dedicated and well trained, the use of vitreous china toilets and sinks creates an environment that is very dangerous to youth and to staff, presenting a very serious health safety and security concern. As of this report, four of the toilets have been broken by youth, who have then harmed or threatened harm to themselves and others. DJS has replaced the broken toilets with ones made of the same vitreous china. Now the toilet seats have had to be removed in order to help prevent youth from destroying the fixtures.

Response: The Department's corrective action plan calls for incremental replacement of the vitreous china toilets and sinks with stainless steel fixtures.

- The sinks are also made of vitreous china and have handles and faucets that could be used to make a weapon or to attempt a suicide. Along with the replacements recommended above, the handles and faucets should be replaced with suicide-proof fixtures.

Response: The Department's corrective action plan calls for incremental replacement of the vitreous china toilets and sinks with stainless steel fixtures.

- The beds used in the facility have holes and posts that could be used to attempt or complete a suicide. DJS has maintained that these are "security detention beds" that have been modified to reduce potential risk to youth. Nevertheless, they are potentially dangerous. Further modification could be accomplished that would significantly reduce the risk to youth. Barring replacement (the best solution), modification to the beds should be completed.

Response: DJS will review to determine the appropriate action.

- As reported numerous times, the desks in the sleeping rooms have swing out seats that pose a threat to youth by providing a tie off place to attempt or complete a suicide. Recently, a youth has attempted suicide by tying off a sheet to the stool arm. As previously recommended, the desks and seats should either be removed or replaced with suicide-proof furniture.

Response: DJS will review to determine the appropriate action.

- The exposed plumbing in the youth sleeping rooms has been made secure with the installation of a metal covering under the sinks. However, the other bathrooms used by youth continue to have exposed plumbing that could be damaged or used by youth to make a weapon. Metal coverings should likewise be installed in these bathrooms. DJS indicated that this would be attended to and installation is slated to begin as of this writing.

Response: DJS will install metal coverings in the other bathrooms.

- One youth managed to pull down a sprinkler covering in his room and set off the sprinkler. These coverings are vulnerable to youth tampering and there is also the risk that an exposed sprinkler head could be used as a tie off in a suicide attempt. DJS is researching who will be responsible for replacement of the sprinkler coverings with tamper/suicide-proof coverings.

Response: DJS will review to determine the appropriate action

- ADA handrails are still present throughout the facility in bathrooms and showers used by youth. For those bathrooms beyond the minimum number required to be ADA equipped, the Department should either remove the handrails or make them solid to the wall to prevent a youth from tying off in a suicide attempt.

Response: DJS will review to determine the appropriate action.

The Lower Eastern Shore Children's Center (LESCC) is a State owned and operated facility located in Salisbury, Maryland that opened its first pod of twelve beds on November 15, 2003. The entire facility is scheduled to open by March 1st and will house males and females on three pods – one twelve bed and two six bed units. The facility operates under the DJS Detention Standards and other DJS policies and procedures. The facility is located on the grounds of the Wicomico County Adult Detention Center and shares it's building with DJS transportation officers, electronic monitors, and the fiscal manager for the Eastern Shore.

- The facility's level program for the youth is enhanced by color-coded uniforms that signify the youth's level. LESCC also has a full service life skills classroom that includes a kitchen to provide food preparation classes for the youth.

Response: No comment

- Although the facility has only been open for two months, many violent outbursts by youth have occurred.

Response: Incidents have been reduced and there have not been any violent outbursts in 2004.

- The intake area is in a remote area and not monitored by cameras. Because the area is not enclosed, youth could easily walk behind the counter and access controls that open the sallyport doors and the outside gate.

Response: A door with a locking mechanism that will allow only authorized access will be installed prior to April 2004

- **Unabated for 30 days or More:** Several areas in the facility's bedrooms pose a risk for suicide attempts. The rooms have desks with seats attached by a bar that swings outward from which youth could tie an item during a suicide attempt. Western Maryland Children's Center has similar desks but removed the seats. The beds have a number of openings on the frame. These beds and openings are similar to the one used in the March 2002 completed suicide at the Waxter Children's Center in Laurel. The beds also have protruding posts extending from the frame, which may also be used to tie off from. Although this Office cited these issues during the construction of the facility, the Department opted to use construction materials that were not designed to prevent injury or suicidal conduct.

Response: DJS will review and determine an appropriate action.

- **Unabated for 30 days or More:** Each room is equipped with a porcelain toilet with a plastic toilet seat attached. Several porcelain toilets were broken by youth at the Western Maryland Children's Center. The broken porcelain can be very sharp and used to injure staff or youth. In separate incidences at LESCC, two youth

broke off the toilet seats of toilets and one youth caused extensive damage to his room while using the toilet seat as a weapon. Western Maryland Children's Center removed the toilet seats from the porcelain toilets. This Office also cited this issue during the construction of the facility.

Response: Toilet seats in individual rooms were removed February 2004. There have not been any incidents involving toilets since January 10, 2004. The Department's corrective plan calls for incremental replacement of the vitreous china toilets and sinks with stainless steel fixtures.

- **Unabated for 30 days or More:** Each room also is equipped with a porcelain sink that has a plastic cover attached below to cover the exposed plumbing. The sink may not support a youth who stands on it and the cover could be removed by kicking it. This exposed plumbing poses a risk for suicide attempts. The OIM also cited this issue during the construction of the facility.

Response: Supervision of youth does not allow youth to stand on sinks nor cause the plumbing to become exposed. All plumbing is secured as required.

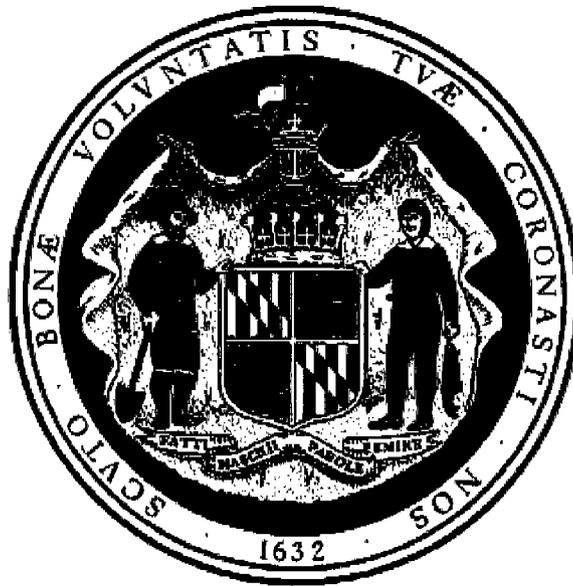
**MONITORS' ASSESSMENTS OF FACILITIES AND THE
DEPARTMENT OF JUVENILE SERVICES RESPONSE**

<u>FACILITY</u>	<u>LOCATION</u>	<u>Page #</u>
Allegheny Girls Group Home	Allegheny County	1
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Baltimore City Juvenile Justice Center	Baltimore City	7-9
Ferndale Group Home	Baltimore City	9
Maryland Youth Residence Center	Baltimore City	9
Mount Clare House	Baltimore City	10
William Donald Schaefer House	Baltimore City	10
Guide Northeast Shelter Home	Baltimore County	10-11
Charles H. Hickey, Jr. School	Baltimore County	11-18
Thomas O'Farrell Youth Center	Carroll County	18-19
Sykesville Group Shelter Home	Carroll County	19-20
Eastern Shore Structured Youth Shelter	Dorchester County	20
Backbone Mountain Youth Center	Garrett County	1-3
Meadow Mountain Youth Center	Garrett County	1-3
Savage Mountain Youth Center	Garrett County	1-3
J. DeWeese Carter Youth Facility	Kent County	20-21
Alfred D. Noyes Children's Center	Montgomery County	21-22
Cheltenham Youth Facility	Prince George's County	22-24
Western Md. Juvenile Children's Center	Washington County	24-26
Lower Eastern Shore Children's Center	Wicomico County	26-27

Quarterly Report

October 1, 2003 – December 31, 2003

*The Office of the Independent Juvenile Justice
Monitor*



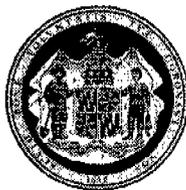
Robert L. Ehrlich, Jr. – Governor
Michael S. Steele – Lt. Governor
M. Teresa Garland, Esq. – Special Secretary,
Governor's Office For Children, Youth, & Families

State of Maryland Executive Department
GOVERNOR'S OFFICE FOR CHILDREN, YOUTH AND FAMILIES

ROBERT L. EHRLICH, JR.
Governor

M. TERESA GARLAND
Special Secretary

MICHAEL S. STEELE
Lieutenant Governor



MEMORANDUM

To: Special Secretary M. Teresa Garland, Esq., Governor's Office for Children, Youth, and Families
Secretary Kenneth C. Montague, Jr., Department of Juvenile Services

From: Ralph B. Thomas, Executive Director, Office of the Independent Juvenile Justice Monitor, Governor's Office for Children, Youth, and Families *RT*

Subject: Quarterly Report for October 1, 2003 – December 31, 2003, Office of the Independent Juvenile Justice Monitor

Date: March 22, 2004

I am pleased to present the most recent quarterly report of the Office of the Independent Juvenile Justice Monitor.

As required by Article 49D, Office for Children, Youth, and Families of the Annotated Code of Maryland, Section 45(b)(2), the Office of the Juvenile Justice Monitor "...shall report quarterly to the Special Secretary and the Secretary. A copy of the report shall be provided to the State Advisory Board for Juvenile Justice and, in accordance with Section 2-1246 of the State Government Article, the General Assembly. The report shall include: all activities of the Office; actions taken by the Department resulting from the findings and recommendations of the Independent Monitor, including the Department's response; and a summary of any violations of the standards and regulations of the Department that remained unabated for 30 days or more during the reporting period."

This quarterly report encompasses the period from October 1, 2003 to December 31, 2003. It notes conditions found within the Department of Juvenile Service's facilities by the Office of the Independent Juvenile Justice Monitor as well as those matters that have remained unabated since the issuance of the last quarterly report. As required, this report also includes the Department of Juvenile Service's response to the comments offered by the Office of the Independent Juvenile Justice Monitor. The Office of the Independent Juvenile Justice Monitor does not necessarily endorse or concur with the responses offered by of the Department of Juvenile Services.

I hope that this report serves to provide an accurate assessment of conditions within Maryland's Department of Juvenile Services' facilities and assists in the development of strategies to enhance programs and services to youth.

The Office of the Independent Juvenile Justice Monitor looks forward to continuing in its work with you in transforming juvenile justice within Maryland.

**MONITORS' ASSESSMENTS OF FACILITIES AND THE
DEPARTMENT OF JUVENILE SERVICES RESPONSE**

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**MONITORS' ASSESSMENT OF FACILITIES AND THE DEPARTMENT OF
JUVENILE SERVICES
RESPONSE**

The YMCA operates the **Allegany County Girls Group Home** on property that is owned by DJS. ACGGH accommodates up to 9 girls, who stay in the program for an average of 9 months. A "Healthy Home" model of treatment intervention is utilized. This model includes the use of community resources for schooling, health, mental health services, and recreation. ACGGH continues to make improvements in programming, staffing, and in establishing a more consistent, positive culture within the group home. ACGGH and DJS are working well together in the area of referrals, case manager assistance with obtaining medical cards for youth placed in the facility, and case manager visitation.

- The ACGGH facility is attractive and kept in good shape with cooperation between the Cumberland YMCA and DJS. The road leading to the house, however, is in very bad condition. There are very large and potentially dangerous potholes in the driveway that should receive immediate attention. A complete resurfacing of the road should be commenced as soon as possible when the weather breaks this spring.

Response: DJS has requested funding for the road repair. It is estimated to cost between \$20,000 and \$30,000 to repair.

- While the program is improving, teambuilding is an ongoing issue. Training should focus intensively on strengthening the culture by establishing consistency in maintaining positive norms, application of the routine and structure, and positive role modeling by staff.

Response: No comment

The Department of Juvenile Services **Youth Centers** are State owned and operated programs located in Allegany and Garrett Counties of Western Maryland. There are four Centers: **Green Ridge, Savage Mountain, Meadow Mountain, and Backbone Mountain.** Meadow Mountain operates specifically as an addictions program. The average length of stay in the programs is six months. A total population of 156 youth is served in the Youth Centers.

Under the direction of Superintendent Dale Schroyer, the Youth Centers are focusing on teambuilding and establishing increased communication, problem identification, and problem resolution at all levels within the Centers, and between the Centers and Youth Center Headquarters. The Office of the Independent Monitor is supportive of this initiative, and has been invited to participate in the Facility Administrators meetings on a bi-monthly basis to collaborate on current issues. While this schedule is not as frequent as indicated in the Department's Corrective Action Plan, nor in its response to the previous quarterly report, it does present more of an opportunity to work cooperatively together.

The Youth Centers, overall, have few incidents reported. This is an indication that for the most part the needs for health, safety and security are met.

- **Unabated for 30 Days or More:** There continues to be a discrepancy between the stated admissions criteria and the actual background of some of the youth in the Centers. The admissions criteria have come under review recently, however, resulting in the "non-violent" proviso being taken out of the statement. The Office of the Independent Monitor has supported chronic "non-violent" offenders as an appropriate criterion, and this criterion should be enforced by the Department. With the omitting of the "non-violent" proviso, it is the concern of this Office that the Youth Centers will come under pressure to take even more serious offenders. It is also of concern that the public be informed as to the nature of youth being served in the open, staff-secure Youth Centers.

Response: New guidelines have been developed and approved.

- The Youth Centers have developed a procedure manual for the operation of the Centers. There are, however, no standards by which to monitor DJS commitment care programs. This lack should be addressed. COMAR 01.04.04 offers standards for residential facilities serving youth, and should be applicable as well to DJS commitment care programs.

Response: The Department plans to establish a committee by April 30, 2004 to develop standards for committed programs.

- Youth Center group process programming is very dependent upon adequate numbers of staff to provide direction, safety, and security in the open programs. It is of great concern that the Department has indicated that the Centers will lose their 21 contractual positions, without any provision for replacing these positions with PIN positions. The Centers already operate with many vacancies, and are understaffed because of this. Further reduction would seriously compromise health, safety, and security.

Response: The Department agrees this is an important issue and is reviewing it in light of current fiscal restraints to determine how to best address the issue.

- The group process program, in order to maximize effectiveness, is dependent upon maintaining group cohesiveness over a significant period of time. Factors that are disruptive to the group should be identified and minimized. One of those factors is that youth slated to go to the Meadow Mountain addictions program are first put into other groups in one of the other centers, and then moved to Meadow Mountain after a period of adjustment to the Youth Center structure and after behavioral issues are initially addressed.

Response: The Department has reviewed this process in the past and determined it should remain unchanged. The Department continues to conduct periodic reviews of programming for ways to enhance services to youth.

- The Youth Centers educational program operates without a certificate of approval, as it has not been determined as to how the educational programs are to be approved. This should be addressed and a certificate of approval provided. In the meantime, DJS Educational Administrators, without regulation authority, have cut back the educational days in the Centers from 220 days to 180 days, matching the public school model. Many of these youth in the Youth Centers have failed out of public schools. Consistently, one of the greatest strengths noted by youth in the Centers is the individualized educational support they get from the teachers and the level of achievement they are experiencing. The days of instruction that have been taken from these students constitute a loss in credits gained during their stay in the Centers, and they should be returned to the youth.

Response: The Education Unit continues to work to ensure compliance with COMAR and MSDE, and improve delivery of educational services in all DJS programs.

- **Unabated 30 Days or More:** Vocational training continues to be minimal in the Youth Centers. While the Department indicated that it is “working to enhance vocational instruction beyond the 3.25 hours received weekly when the teacher is available,” no evidence of that change has been realized.

Response: DJS Education administrators are working with the Youth Centers to provide the required five hours of education per day. The Department is currently in the process of hiring two physical education/health teachers to help increase the number of hours of education provided. There are currently three full-time vocational teachers at the Youth Centers and we are reviewing the scheduling to determine how best to increase instruction time.

The **Young Women’s Facility of Maryland at Waxter** is a State owned and operated detention/residential treatment facility located in Laurel, Maryland. The facility houses females under the age of 18 and is comprised of one detention unit and three programming units. The facility is operated under DJS Detention Standards and other DJS policies and procedures.

- **Unabated for 30 Days or More:** Although the population has been drastically reduced, incidents of assault and use of force continue to occur at a rate of nearly 1 every other day. There must be more of an effort to proactively address this problem and reduce these incidents. Changes will be made to the DJS 2004 data collection system to indicate which use of force injuries and assaults result in “no injury” instead of noting “no injury/minor injury.”

Response: Staff training for gender specific programming is scheduled for May 2004. Such training will enhance the development of proactive measures to reduce incidents.

- The Monitor has met with the Anne Arundel County Child Protective Services several times and spoken with the State Attorney's Office, and they appear very receptive to establishing a written agreement for a child abuse/neglect response protocol for Waxter. A meeting was also held with the Maryland State Police on 11/6/03 and they also appeared receptive. The roles and responsibilities of each agency must be clearly defined in the proposed agreement. In addition, all investigators must become familiar with the restraint policy and procedures used by DJS so they can determine if the restraint was properly applied.

Response: Facility administration is arranging a meeting between with State Police, DSS and DJS on this issue. In addition, all investigators from the Investigations Unit are retired law enforcement officers that have been certified under Maryland Police Corrections Training Commission. These individuals are well versed in use of force and other investigative methods relating to all types of criminal and administrative investigations. Most of the investigators have served on major metropolitan police departments and have conducted all types of criminal investigations. The investigators have observed restraint policy and training and are able to investigate these incidents as they occur.

- **Unabated for 30 Days or More:** Investigations are not always thorough in follow-up.

Response: The Assistant Secretary for the Office of Professional Responsibility and Accountability reviews all investigative reports and is consulted on all major investigations involving the Department and disagrees with the subjective statement made by the Independent Monitor. The Independent Monitor at Hickey has been advised to contact the Investigators, Child Advocates and Performance Monitor on-grounds whenever he has a concern.

The Office of Professional Responsibility and Accountability issues a monthly report to the Secretary with concerns that are observed daily at the facilities. This monthly report is given to all appropriate persons for a corrective action plan.

- **Unabated for 30 Days or More:** The Investigation and Child Advocacy Unit has not responded to requests from this Office concerning investigative reports and actions and advocate reports. The Department of Juvenile Services and this Office have entered into a Standard Operating Procedure agreement that includes obtaining copies of investigative reports within three days upon the completion of an investigation. The Monitor has repeatedly requested information and updates on investigations with very little success. DJS must provide this Office with requested information consistent with our statutory authority and with the Standard Operating Procedure.

Response: On November 23, 2003 both Secretary Montague and Secretary Garland agreed to a Memorandum of Understanding. The Assistant Secretary for the Office of Professional Responsibility and Accountability contacted the Executive Director of the Independent Monitors and inquired of him how he wished to receive investigative reports and/or grievances. The Executive Director advised the Assistant Secretary that he would get back to him after the first of year. To date, he has not contacted the Assistant Secretary about receiving reports. The Independent Monitor for Waxter has been told that until this agreement is worked out he is welcomed to come to the Investigative Office and review any reports. Currently, the Assistant Director of Investigation has numerous reports in his office since the signing of the Memorandum of Understanding. As soon as the Executive Director decides how he wishes to obtain them, he may have them. Also, the same arrangement was made with Executive Director for picking up Child Advocate grievances. They are also ready to be picked up. A letter will be sent to Executive Director in an attempt to resolve this issue.

- The youths have complained about seeing rodents in the facility and one youth was transported to the hospital after being bitten by an unknown insect and her arm swelling and becoming numb. If not already completed, the facility needs to be inspected for rodent/insect infestation and fumigated.

Response: Management at the facility has not received any reports of rodent sightings by youth. The Department has a contract with an extermination company to spray twice a month. The company also inspects the facility for any problems during these visits and takes additional corrective measures as needed. As to the youth taken to the hospital, the medical report indicated the youth to have a bacterial infection (streptococcus meticilian resistant staph aureus) unrelated to an insect bite, which has been appropriately treated.

- On 11/12/03 the Monitor reviewed several Individualized Education Plans (IEPs) with the special education coordinator at the facility. The coordinator appeared very professional, sincere and energetic about her position at the facility. The IEPs were very complete and comprehensive except for one without parent signatures. The coordinator advised that she does try to invite parents to the meetings, but they seldom attend. Additional follow-up should occur to acquire parental signatures.

Response: Monthly Parental Advisory Council meetings are conducted and the coordinator receives parental signatures as required.

- Other special education concerns noted by the Monitor include: more specialized resources are needed for the youths, including computers and specialized instructors; the area designated for special education is extremely small and only

4 youths can be accommodated in the 10' by 12' office at any one time; and the special education coordinator should have an assistant.

Response: The Director of Education is reviewing the concerns raised.

- **Unabated for 30 Days or More:** On 11/16/03 the Monitor contacted the facility by telephone and spoke with the shift leader. He advised the youths were participating in church, leisure time and board games but there was not enough staff for outside recreation. The facility must maintain adequate staffing to allow the youths outside recreation every day if the weather permits.

Response: A recreational staff has been assigned to the facility to coordinate recreational activities. Youth receive one hour of heavy muscle activity daily and outdoor recreation, as established by the recreation schedule.

- It should also be noted that the facility superintendent has been very active in trying to accelerate the hiring process by handling drug screening and fingerprinting requirements at the facility; however, there are concerns that the overall process for hiring is too lengthy and that the facility may not be able to retain well qualified staff due to poor compensation.

Response: The process must ensure that appropriately qualified people are hired to work with our youth. The Department has requested additional funds to improve salaries of direct care workers.

- Some logs are not being maintained in permanently bound books with pre-numbered pages. This Office previously addressed this concern subsequent to a suicide that occurred in March of 2001.

Response: All logs are currently maintained in permanently bound books, as required by Assistant Secretary Procedural Directive #13 Log Book Written Documentation and are regularly audited.

- The gate area between the recreation yard and the education trailers has sharp metal rods protruding from the ground that could cause a youth or staff to trip or would produce a serious injury if a youth or staff person fell onto the metal.

Response: The protruding rods will be removed and the area cemented.

- There is a concern that some of the beds have posts and openings in the corners that pose a suicide risk.

Response: Those beds identified will be incrementally replaced with suicide resistant beds over the next fiscal year.

- **Unabated for 30 Days or More:** During interviews with staff, all emphasized that the majority of staff are committed, sincere and caring, doing the best they can with what resources are available. However, staff also mentioned the following concerns: a lack of space; a concern about staff not being consistently assigned to specific areas to enhance staff/youth interaction; staff shortage/ turnover; youth not getting their mental health needs met; a conflict with other programs and activities concerning substance abuse scheduling; a lack of training for youths in the areas of home economics, vocational, and business training; a shortage of cleaning supplies and hygiene products (not stocked on the unit); and a lack of public relations for more community involvement.

Response: The Department is currently processing requests to hire at this facility to augment staffing, scheduling and services. Staff from the Female Population Task Force is also assisting the facility in enhancing gender specific programming. Adequate cleaning and hygiene supplies are maintained at the facility. As units need additional supplies, they are provided by the shift commander, who has access to the storage areas.

- The Monitor attended a Female Population Task Force meeting on 11/21/03 and was encouraged by the leadership in DJS taking such an active role in discussing and supporting the efforts of the different programs for females. There was no representative from the Waxter facility at the meeting. Waxter is the largest female detention/programming facility in this State and there should always be a representative at these meetings to discuss problems and concerns with other leaders who can lend support. The superintendent at Waxter advised that she would have a staff person from the confinement/review team assigned to the task force meetings.

Response: A representative from Waxter center is currently attending the monthly Female Population Task Force Meetings. Staff from the Female Population Task Force is also assisting the facility in enhancing gender specific programming.

Baltimore City Juvenile Justice Center is located near downtown Baltimore City. It has the capacity to house 144 male youth solely for detention. The property is owned and operated by the Department Juvenile Services. This facility is governed by DJS Secure Detention Standards. This facility opened October 30, 2003.

- BCJJC must adhere to the seclusion policy per DJS Detention Standards. It cannot use its own system for placing youth in and documenting seclusion.

Response: Supervisors of Group Life are versed on DJS Detention Standards as it relates to the use of seclusion. Seclusion is only used where a youth presents a danger to himself or others. Seclusion is monitored using DJJ 01.01 Documentation of Observation While in Seclusion.

- DJS must repair all glass that is breakable in areas accessible by youth, including bedrooms and dayrooms.

Response: DJS and DGS are working diligently to resolve these issues.

- The sprinkler heads in areas accessible by youth are not tamper-proof and require replacement.

Response: DJS and DGS are working diligently to resolve these issues

- The shower doors and associated hardware are not tamper-proof. On December 12, 2003 youth used this material to cause significant damage to the facility. This equipment needs to be replaced immediately.

Response: DJS and DGS are working diligently to resolve these issues

- In addition to the above referenced architectural and design issues, DJS should secure the services of a professional architectural and design firm specializing in secure correctional facilities in order to review all equipment and furnishings to ensure that it meets acceptable standards for a secure detention facility.

Response: DJS and DGS are working diligently to resolve these issues

- Grievance boxes have not been installed in this facility resulting in this facility being out of compliance with DJS policy and procedure.

Response: Twelve grievance boxes have been installed in five pods. There is also one grievance box installed in the cafeteria. Locks have been ordered for all boxes. A Child Advocate has been assigned to the Baltimore City Juvenile Justice Center. The Child Advocate interacts with youth on a daily basis and brings all concerns to the attention of the Managing Director and Assistant Director of Child Advocates.

- Programming for residents must be enhanced in the areas of religion, physical exercise, board games and therapeutic group forums.

Response: Staff experienced in recreational programming with working with the Director of Detention to develop recreation plans. BCJJC has purchased a number of board games as well as sports equipment (e.g., basketballs, volleyballs and net, and footballs). The large room next to the gymnasium is utilized as a game room. It is equipped with a television for table games, video games and movies.

Further, BCJJC's education program has entered into an agreement with the Maryland Institute of Art in implementing a weekly after-school arts and crafts program.

- Staff must undergo more training in the areas of crisis management and compliance and familiarity with DJS Standards, Policy and Regulations.

Response: Staff in-service training will emphasize crisis management and DJS standards.

- This facility houses only males, many of whom are products of single female-headed households. The majority of the direct care staff are female. Hopefully, DJS can recruit qualified males to work at BCJJC.

Response: No comment.

- The infirmary should be immediately fully equipped and stocked to become fully operational immediately.

Response: DJS medical unit is addressing this issue.

Ferndale House is a State owned and privately operated facility located in northwest Baltimore. It has a capacity to house six male youth providing respite care services which are mandated by DJS policy and standards and COMAR.

- As of October 1, 2003 this facility was closed. It is recommended that DJS convert this facility to shelter care.

Response: DJS has requested funding to convert this facility to a shelter program for females. To date no information on funding approval has been received.

Maryland Youth Residential Center (MYRC) is a Department of Juvenile Services (DJS) owned and operated 24-bed shelter care facility that is located in Baltimore City.

- With the addition of the twelve beds for 10-12 year olds from Cheltenham, the overall program for the facility has expanded. In order to continue the level of programming, a van must be procured for transportation purposes.

Response: DJS is reviewing this matter.

Mount Clare House is located on the fringe of downtown Baltimore City. The two-story house facility is owned by the Department of Juvenile Services (DJS). The vendor for this facility is First Home Care Corporation. It is a twelve-bed group home that serves

male youth (ages 15 ½ - 18) who have emotional and behavior problems. The length of stay is nine months to one year. A cook on-site prepares meals. Although licensed by DJS, the group home also contracts four beds with the Department of Human Resources (DHR) and four beds with the Department of Health and Mental Hygiene (DHMH). This facility is governed by COMAR.

- This past year the inappropriate placements have decreased favorably. It appears that the referring agencies are addressing this issue.

Response: No comment

William Donald Schaefer House is a nineteen bed locked door facility for male youth who have a history of alcohol or drug abuse. The property is owned and operated by the Department of Juvenile Services (DJS). This is the only DJS operated facility that is regulated and licensed under COMAR. It is located in a residential setting in north Baltimore.

- **Unabated for 30 days or more:** As previously referenced in the last quarterly report, the program's success rate is still unknown due to the lack of evaluation and tracking of youth after discharge.

Response: The Department's Research Unit will be advised to provide the results of their evaluation, once completed.

- **Unabated for 30 days or more:** Repairs on the second floor bathroom have not been made.

Response: Funding to repair the bathroom has been requested from Department of General Services.

- The tiles on the kitchen floor are loose or missing. This is a health and safety hazard and should be repaired immediately.

Response: The DJS Facility Maintenance staff completed repairs on 3-9-04.

Catonsville Structured Shelter Care (GUIDE) is a privately operated non-secure facility located on Department of Juvenile Services' property. The current license allows for a capacity of ten male youth. The current vendor is held accountable for its services by Code of Maryland regulations (COMAR) and certain Maryland Department of Juvenile Services licensing requirements.

- **Unabated for 30 days or more:** DJS case managers are not providing the facility with the required social and medical background of youth at time of referral. This

results in inappropriate placements and inadequate programming and services. Many of these youth may also be at risk of being AWOL.

Response: The Area Directors were notified of the above and directed to ensure appropriate documentation accompany the youth.

The **Charles H. Hickey School** is a privately run facility located on State property. The facility is comprised of detention units and programming units designed for 30 days to 6 months programs. Correctional/Service Corporation (CSC) is the current vendor in the facility and it is held accountable for its service to Maryland's youth through the Code of Maryland Regulations (COMAR) and certain Maryland Department of Juvenile Services (DJS) licensing requirements, Detention Standards and Conduct Standards.

- **Unabated for 30 Days or More:** Occurrences of child neglect/abuse, assault and use of force incidents continue at a rate of more than 2.5 per day. DJS and Hickey should be commended for making sure incidents are reported, however, there must be more of an effort to proactively address this problem and reduce these incidents.

Response: Efforts continue to reduce incidents. The Department has secured cost estimates to install video surveillance cameras.

- Based upon a review of the Baltimore County Department of Social Services records, more than 70 investigations have been conducted at the facility since 7/1/02 and approximately 25% have resulted in an indicated finding. Another 30% have resulted in an unsubstantiated finding, which means there was not enough evidence to rule out the case but there was also not enough evidence to prove there was neglect or abuse. DJS statistics indicate there have been only 32 cases of child abuse/neglect at the facility while DSS records indicate a much higher number of investigations.

Response: During this 18 month time period there were 550 incidents of staff using force on Charles H. Hickey, Jr. youth. All incidents were investigated in some method. The DJS incident data base reflects that 29 of these incidents were investigated as child abuse by Child Protective Services, Maryland State Police and DJS. Of the 29 alleged child abuse cases, 8 were sustained, resulting in 10 staff being terminated. The Interagency Working Agreement between all parties was established in October 2003. Since the interagency agreement was established, Child Protective Services has become more aggressive with addressing child abuse incidents at the Charles H. Hickey, Jr. School.

Currently, there is increased Maryland State Police presence at the Charles H. Hickey, Jr. School, Monday through Friday from 9:00 a.m. to 5:00 p.m. The Department has developed a Security Plan which will be implemented upon the

State running the facility. Day-to-day Maryland State Police presence will continue. Hopefully this will assist in reducing violent incidents.

Investigators and Child Advocates are on grounds seven (7) days a week, 7:00 a.m. – 9:00 p.m. Periodic review of the log book for this particular Independent Monitor indicates that he is on grounds no more than three (3) times period month. It appears that the Independent Monitor conducts most of his business via telephone with employees. The questions raised could be addressed immediately if the Independent Monitor took the time to communicate with the Investigators, Child Advocates and Performance Monitors. The Independent Monitor is present during the Multi Disciplinary Team Meetings. This is a venue where the Independent Monitor can address any concerns or issues he may have regarding a particular case. There is also a need for the Independent Monitor's reports to be submitted in a more timely manner. Late submission of these reports make it difficult for incidents to be addressed when they are several months olds.

- The Baltimore County Interagency Agreement on the Investigation of Child Abuse and Neglect at the Charles Hickey School is currently under review by the State Attorney General's office. Completion of this written agreement will help solidify the responsibilities and requirements of each agency. There has been some success in cooperation between the Department of Juvenile Services and the Baltimore County Department of Social Services in child abuse/neglect investigations. Multi-disciplinary meetings for child abuse and neglect are being well attended by all concerned agencies. However, there still remains some lack of cooperation and coordination between investigators, at times.

Response: Assistant Secretary for the Office of Professional Responsibility and Accountability has spoken with the highest level of management for the Maryland State Police and Child Protective Services. Neither agency has any complaints regarding interacting with Investigators and Child Advocates. Investigators and Child Advocates meet regularly with Child Protective Services and Maryland State Police representatives. The Independent Monitor needs to bring specific concerns to his Executive Director who should in turn bring those concerns to the Assistant Secretary for the Office of Professional Responsibility and Accountability. Also, the Independent Monitor for Hickey has been advised on numerous occasions that if he has any concerns he should check with the Investigator, Child Advocates and Performance Monitor assigned to the case to resolve those issues.

- **Unabated for 30 Days or More:** The Investigation and Child Advocacy Unit has not been fully cooperating with this Office concerning investigative reports and action, and advocate reports. The Department of Juvenile Services and this Office have entered into a Standard Operating Procedure agreement that includes obtaining copies of investigative reports within three days upon the completion of an investigation. The Monitor has repeatedly requested information and updates on investigations with very little success. DJS must provide this Office with

Director for the Independent Monitor. The Independent Monitor for Hickey inadvertently received a copy of the Office of Professional Responsibility and Accountability monthly report that is addressed from the Assistant Secretary to the Secretary. This monthly report is not covered under the Memorandum of Understanding and therefore the Independent Monitor will not receive confidential communication between the Assistant Secretary and the Secretary.

- **Unabated for 30 Days or More:** Visits on detention units have revealed a lack of education and programming. Two of the Monitor's visits revealed no school occurring on the detention unit. Reasons supplied at the time were that staff were involved with moving their supplies and offices back into the Pratt School following asbestos repairs, and the second reason was that youths were supposed to be watching a movie but one staff had gone home early due to sickness and had not left the remaining staff any movie for the youths to watch.

The Thoroughbred Retirement Foundation Equestrian Program has been revived due to the concerted efforts of the Hickey School and DJS child advocates. According to a Hickey School Child Advocate report, nine youths were involved in the program as of November 19, 2003.

The barbering program is also operating well but has not yet been certified by the Maryland State Department of Education. There are currently 4 youths taking advantage of the barbering training program.

The Monitor conducted an unannounced visit to the Applied Learning Center on 11/13/03 and determined that 16 youths were involved in the horticulture program. The printing program was not operating and the auto shop teachers were in training. There is no current carpentry or construction program in operation.

Therefore, it appears that no more than 30 or 40 youths are participating in any vocational training programs at any one time with a youth population of approximately 250 youths housed at the facility.

Response: DJS is working with Hickey School to enhance vocational training programming. It is expected that the Applied Learning Center will be fully operational effective April 1, 2004. MSDE is scheduled to take over education services at Hickey on July 1, 2004 and vocational training will be a focus for some youth.

- **Unabated for 30 Days or More:** Youths are still being inappropriately placed in seclusion for extended periods of time. During one particular visit on a Monday, the Monitor observed a youth who had been in seclusion since Friday for fighting. Youths should not be placed in seclusion for any longer than absolutely necessary to help the youth calm down and to protect the youth or others from harm or to prevent escape. The Hickey staff advised that the youth had been continually banging on his door and acting disorderly, although the Monitor's conversation

with the youth failed to reveal any such hostilities. In any event, the behavior observation sheet did not reflect any ongoing concern with the youth's behavior and the Monitor advised Hickey staff to make sure ongoing concerns about a youth's behavior are noted on the report and that the appropriate reports be filled out for any seclusion beyond 8 hours.

Response: DJS monitors and child advocates review seclusion logs daily to ensure compliance with seclusion policies.

- Youths with severe mental health problems and/or severe suicidal or self-injurious tendencies should not be placed at the Hickey School. On November 18, 2003, Hickey administrators and child advocates notified the Monitor that a youth requiring intensive mental health services had been placed at the Hickey School. The youth has had many previous placements at Hickey and he has been involved in numerous incidents of self-injurious activity that has required his transfer to intensive mental health facilities. The youth was placed on the Jackson Unit under one-to-one observation, which required the deployment of extra staff for monitoring purposes. The Monitor contacted the facility on November 23 to ascertain the status of the youth's monitoring and learned that the youth had attempted to harm himself on the evening of November 22 and was transported to St. Joseph's Hospital for treatment and observation. He was subsequently transferred to Crownsville State Hospital for evaluation and treatment on November 24. A court hearing was held on 12/3/03 and the judge ordered a DJS evaluation, a Department of Health and Mental Hygiene evaluation and a discharge summary from Crownsville State Hospital.

The Monitor also discussed the case with DJS Central Office and Field Services staff and was provided conflicting information concerning if DJS was seeking alternative placement of this youth. It is unknown if this case had been presented to the LCC to authorize a more appropriate placement. DHMH needs to become more involved in this type of case to assist with developing a long-term plan to address this youth's needs and possibly place this youth in an appropriate facility to prevent him from committing further harm to himself.

Response: The Department is working collaboratively with DHMH to better serve youth with significant mental health needs

- The pedestrian sally port gate was not operating during a visit to the facility on 12/22/03. Staff in the guardhouse advised that the gate had not been working for several days.

Response: The pedestrian sally port gate is currently operational.

- **Unabated for 30 Days or More:** Lock replacements are being made on the bedroom doors of Clinton Hall but there are other locations throughout the facility that need new locks also. Staff on Ford Hall advised that they are extremely

Response: DJS is aware of this issue and have taken action to ensure case managers complete medical assistance application in a timely manner.

- Hickey transportation must ensure youths are consistently and punctually transported to their court appointments and programs. There have been two recent cases where this did not occur.

Response: Hickey School recently purchased two additional vans that will facilitate timely transports. The Department will continue to monitor and assess liquidated damages when Hickey School fails to make timely transports.

The **Thomas O'Farrell Youth Center** is a privately run facility on State property that houses 43 adjudicated delinquent young men and an off-campus Transitional Living Continuum shelter care (TLC) houses 7 more.

- **Unabated for 30 Days or More:** Conversations with staff determined that a coordinator for vocational programming has not been hired. There remains a lack of vocational training and community activities at the facility. On 11/16/03, youths were scheduled to attend church and community service but they were just sitting and watching television. Several youths complained that instead of being involved in scheduled activities, they often sit and watch television.

Response: A Vocational Coordinator was hired February 9, 2004. Coordinator teaches pre-employment skills and life skills training on Tuesdays and Thursdays. Also develops/monitors work program on and off grounds, and conducts vocational field trips.

- Several teachers complained about a lack of adequate supplies, including textbooks, dictionaries, bookcases, paper and computers.

Response: Education department has purchased updated curriculum, books, and lesson planning materials. We received 15 computers through MSDE grant for computer class and resident use.

- Some staff and teachers also complained about a shortage of space for meetings and other activities.

Response: The facility has a donated trailer from JHAPL in desperate need of renovation. The facility is seeking donations/grants for rehab expenses to provide additional operating space.

- **Unabated for 30 Days or More:** The Investigation and Child Advocacy Unit has not been fully cooperating with this Office concerning investigative reports and actions, and advocate reports. The Department of Juvenile Services and this Office have entered into a Standard Operating Procedure agreement that includes

obtaining copies of investigative reports within three days upon the completion of an investigation. The Monitor has repeatedly requested information and updates on investigations with very little success. DJS must provide this Office with requested information consistent with our statutory authority and with the Standard Operating Procedure.

Response: On November 23, 2003 both Secretary Montague and Secretary Garland agreed to a Memorandum of Understanding. The Assistant Secretary for the Office of Professional Responsibility and Accountability contacted the Executive Director of the Independent Monitors and inquired of him how he wished to receive investigative reports and/or grievances. The Executive Director advised the Assistant Secretary that he would get back to him after the first of year. To date, he has not contacted the Assistant Secretary about receiving reports. Currently, the Director of Investigation has gathered numerous reports in his office since the signing of the Memorandum of Understanding. As soon as the Executive Director decides how he wishes to obtain them, he may have them. Also, the same arrangement was made with Executive Director for picking up Child Advocate grievances. They are also ready to be picked up. A letter will be sent to the Executive Director in an attempt to resolve this issue.

- A Child Grievance report dated 11/4/03 indicated there were 14 grievances submitted from January to June, and no grievances were submitted from July through October. Requests to ICAU for clarification and follow-up information have not been answered.

Response: Due to expanded coverage at Hickey and Cheltenham, Child Advocate visits were suspended to this facility. The Director of the facility was notified that if any grievances were filed he was to contact The Assistant Director of Child Advocates. Contract Performance Monitors still make visits to ensure that the Department's policy and procedures are being followed. This information was relayed to the Executive Director of the Independent Monitor.

The Sykesville Shelter Group Home is a privately run structured shelter care home located on State property. The facility houses up to 10 females, but due to space limitations, 8 females can be housed comfortably.

- There is no alarm system available for staff persons to be made aware of an AWOL. The facility is located within a community with stores, transportation and a State highway in close proximity. DJS is ultimately responsible for the care and custody of youths under its control. It is recommended that DJS explore the possibility of placing some type of alarm or silent notification system in the facility to alert staff to any AWOL.

Response: The Department will review the recommendation and respond by the end of FY 2004.

The Eastern Shore Structured Shelter Care (ESSSC) is a privately run shelter care home located in Cambridge, Maryland on State owned grounds of the Eastern Shore Hospital Center. The facility houses up to 8 males and 2 females. The facility operates under the Code of Maryland Regulations (COMAR).

- The ESSSC was permanently closed on January 11, 2004 as a result of DJS allowing the contract for services to expire. The facility had no more than two youth since November. Because ESSSC was the only shelter on the Eastern Shore, the Office of the Independent Monitor (OIM) is concerned about DJS' ability to place court ordered shelter care youth and those ineligible for detention but in need of housing until placement. The closest shelter for boys is approximately 2½ hours away at the Cheltenham Youth Facility in Prince George's County. The closest shelter for girls is approximately 3 hours away at the Sykesville Shelter in Howard County.

Response: The Area Director for the Eastern Shore is developing a program for foster care, wrap-around services and purchasing per diem beds for youth ineligible for detention but in need of housing until placement.

The J. DeWeese Carter Children's Center is a 24-bed detention facility located in Chestertown, Maryland. The facility houses both males and females between the ages of 12 and 18 years old. The facility operates under DJS Detention Standards and other DJS policies and procedures.

- The facility Superintendent remains in acting status.

Response: The hiring process for this position will be concluded prior to FY 2005.

- The vacant social worker and special education positions have been filled. Interviews for other vacant teaching positions are pending.

Response: No comment.

- The facility's population has decreased since the November opening of the Lower Eastern Shore Children's Center in Salisbury, Maryland. The youth are no longer required to sleep 4-5 per room or in the hallways on cots. On November 18th, the population was 21 and 24 approximately one month later. The two superintendents coordinate the transfer of youth to minimize overcrowding.

Response: Transfer Alert/Request forms are completed by the facility administrator and forwarded to the Office of the Assistant Secretary for Residential Services for authorization.

- The traveling barber/beauty shop cuts the boys hair on a weekly basis. Although the barbers will cut the girls hair, the female staff help the female residents maintain their hair. Female residents should also have the opportunity to have their hair groomed professionally. Chemical treatments should be applied only by trained professionals and not by facility staff.

Response: The facility administrator is researching vendors to provide female hair care. Services and products used must comply with State health and safety regulations.

- **Unabated for 30 Days or More:** Adjudicated youth continue to be housed at the facility for longer than 30 days.

Response: Confinement Review Team is aggressively reviewing youth cases to reduce the length of stay.

- **Unabated for 30 or More Days:** The facility maintenance staff fails to conduct weekly inspections of the housing units. The bathroom shower on the first unit has a significant buildup of mildew. The bathroom ceiling tile over the shower on the second unit has a large hole in it. Youth can hide weapons or other contraband in this area. Mildew was also growing in the shower. The facility's bathroom vents are not suicide proof.

Response: Shower tiles have been replaced and caulking completed to eliminate exposed areas. Showers are cleaned weekly with a product that eliminates mildew and soap build-up

The Cheltenham Youth Facility (CYF) is a State owned and operated facility located in Cheltenham, Maryland. Within the reporting period, the facility was downsized from six detention units to four. The population is approximately 100. The facility also has one 24-bed shelter. The facility operates under the DJS Detention Standards and other DJS policies and procedures.

- In December, four cottage staff members (including the Unit Manager) were terminated due to allegations that they assaulted a youth after he refused to go to his room. The youth suffered bruised ribs, a swollen jaw and scratches on his neck from the incident and one staff injured his ankle. The staff failed to report the all of the details of the incident to the shift commander after the youth was allegedly beaten and dragged to his room. The Maryland State Police and Prince George's County Department of Social Services continues to investigate the allegations. Another staff member remains on administrative leave pending a criminal trial for a separate alleged assault on another youth that occurred in September.

Response: This incident was uncovered by the Department of Juvenile Services and reported to the Office of Professional Responsibility and Accountability who consulted with Maryland State Police to bring this case to a successful conclusion.

- In November, the National Juvenile Detention Association (NJDA), at the request of this Office and DJS, conducted a training needs assessment, which will result in recommendations for the development and implementation of new core curricula for detention line staff. DJS should proceed with implementing proposed recommendations.

Response: Training is scheduled to begin in April 2004

- The roof on Rennie Cottage has a leak that spills water onto the youth in the dayroom during wet weather.

Response: An assessment of the building and interviews with youth reveal waters does not leak in the dayroom during wet weather.

- The housing units received new furniture for the dayrooms and dining areas.

Response: No comment

- **Unabated for 30 Days or More:** Although the population has been reduced, the facility continues to experience excessive violence. In October, group disturbances occurred with Whyte Cottage and Henry Cottage. During one disturbance, Whyte Cottage youth broke into Henry Cottage and assaulted youth and staff. On November 24th, six fights were reported. In December, Neal and Murphy cottages engaged in a group fight in the dining hall and a group disturbance occurred on Henry Cottage. Inadequate staffing levels, under-trained staff, and the lack of adequate programming have been major contributing factors.

Response: The population has been significantly reduced, staffing levels enhanced and programming increased. Resource and game rooms have been established on all cottages. Incidents have declined, specifically youth on youth assaults and group disturbances have been almost completely eliminated in 2004.

- **Unabated for 30 Days or More:** Although this Office cited the under-reporting of incidents at this facility dating back to January 2002 and during the last two quarterly reports, a review of the facility logbooks and incident reports continues to indicate the problem currently exists. The facility has assigned a staff member to monitor the incidents reported to the Tour Office being typed into the Office of Professional Responsibility and Accountability's (OPRA) Incident Reporting Database. However, many times, incidents documented in the unit logbooks fail to match up with incidents documented in the tour office logbook. Previous corrective action proposed by DJS has failed to adequately remedy this matter.

The DJS Incident Reporting Database, therefore, underestimates the true incidence of occurrences within this facility. This Office remains concerned regarding the level of violence in this facility and the safety of both youth and staff.

Response: Investigators have been directed to aggressively monitor the reporting procedures and report to the Assistant Secretary of the Office of Professional Responsibility and Accountability on a monthly basis. A follow up audit will be conducted in the near future

- **Unabated for 30 or More Days:** The facility continues to lack an enhanced evening program. More services are needed to meet the vocational, educational, and recreational needs of the youth.

Response: Educational and life skills groups are conducted during the evening. Resource and game rooms are on each cottage to enhance services.

The **Western Maryland Children's Center**, a secure juvenile detention facility, is facing a major crisis with regard to the health, safety, and security of youth and staff. The facility has been open since September 2003, and consists of one twelve-room pod, and two six-room pods.

- Only the twelve-room pod has been open because of facility-related problems. The heating system has been problematic as has been the hot water system.

Response: DJS and DGS are working diligently to resolve these issues.

- The most recent and serious problem facing the Center is that youth have been breaking the vitreous china toilets, and using the knife-like shards to harm, and/or threaten harm to themselves and staff. Though programming has been strong and the staff dedicated and well trained, the use of vitreous china toilets and sinks creates an environment that is very dangerous to youth and to staff, presenting a very serious health safety and security concern. As of this report, four of the toilets have been broken by youth, who have then harmed or threatened harm to themselves and others. DJS has replaced the broken toilets with ones made of the same vitreous china. Now the toilet seats have had to be removed in order to help prevent youth from destroying the fixtures.

Response: The Department's corrective action plan calls for incremental replacement of the vitreous china toilets and sinks with stainless steel fixtures.

- The sinks are also made of vitreous china and have handles and faucets that could be used to make a weapon or to attempt a suicide. Along with the replacements recommended above, the handles and faucets should be replaced with suicide-proof fixtures.

Response: The Department's corrective action plan calls for incremental replacement of the vitreous china toilets and sinks with stainless steel fixtures.

- The beds used in the facility have holes and posts that could be used to attempt or complete a suicide. DJS has maintained that these are "security detention beds" that have been modified to reduce potential risk to youth. Nevertheless, they are potentially dangerous. Further modification could be accomplished that would significantly reduce the risk to youth. Barring replacement (the best solution), modification to the beds should be completed.

Response: DJS will review to determine the appropriate action.

- As reported numerous times, the desks in the sleeping rooms have swing out seats that pose a threat to youth by providing a tie off place to attempt or complete a suicide. Recently, a youth has attempted suicide by tying off a sheet to the stool arm. As previously recommended, the desks and seats should either be removed or replaced with suicide-proof furniture.

Response: DJS will review to determine the appropriate action.

- The exposed plumbing in the youth sleeping rooms has been made secure with the installation of a metal covering under the sinks. However, the other bathrooms used by youth continue to have exposed plumbing that could be damaged or used by youth to make a weapon. Metal coverings should likewise be installed in these bathrooms. DJS indicated that this would be attended to and installation is slated to begin as of this writing.

Response: DJS will install metal coverings in the other bathrooms.

- One youth managed to pull down a sprinkler covering in his room and set off the sprinkler. These coverings are vulnerable to youth tampering and there is also the risk that an exposed sprinkler head could be used as a tie off in a suicide attempt. DJS is researching who will be responsible for replacement of the sprinkler coverings with tamper/suicide-proof coverings.

Response: DJS will review to determine the appropriate action

- ADA handrails are still present throughout the facility in bathrooms and showers used by youth. For those bathrooms beyond the minimum number required to be ADA equipped, the Department should either remove the handrails or make them solid to the wall to prevent a youth from tying off in a suicide attempt.

Response: DJS will review to determine the appropriate action.

The Lower Eastern Shore Children's Center (LESCC) is a State owned and operated facility located in Salisbury, Maryland that opened its first pod of twelve beds on November 15, 2003. The entire facility is scheduled to open by March 1st and will house males and females on three pods – one twelve bed and two six bed units. The facility operates under the DJS Detention Standards and other DJS policies and procedures. The facility is located on the grounds of the Wicomico County Adult Detention Center and shares it's building with DJS transportation officers, electronic monitors, and the fiscal manager for the Eastern Shore.

- The facility's level program for the youth is enhanced by color-coded uniforms that signify the youth's level. LESCC also has a full service life skills classroom that includes a kitchen to provide food preparation classes for the youth.

Response: No comment

- Although the facility has only been open for two months, many violent outbursts by youth have occurred.

Response: Incidents have been reduced and there have not been any violent outbursts in 2004.

- The intake area is in a remote area and not monitored by cameras. Because the area is not enclosed, youth could easily walk behind the counter and access controls that open the sallyport doors and the outside gate.

Response: A door with a locking mechanism that will allow only authorized access will be installed prior to April 2004

- **Unabated for 30 days or More:** Several areas in the facility's bedrooms pose a risk for suicide attempts. The rooms have desks with seats attached by a bar that swings outward from which youth could tie an item during a suicide attempt. Western Maryland Children's Center has similar desks but removed the seats. The beds have a number of openings on the frame. These beds and openings are similar to the one used in the March 2002 completed suicide at the Waxter Children's Center in Laurel. The beds also have protruding posts extending from the frame, which may also be used to tie off from. Although this Office cited these issues during the construction of the facility, the Department opted to use construction materials that were not designed to prevent injury or suicidal conduct.

Response: DJS will review and determine an appropriate action.

- **Unabated for 30 days or More:** Each room is equipped with a porcelain toilet with a plastic toilet seat attached. Several porcelain toilets were broken by youth at the Western Maryland Children's Center. The broken porcelain can be very sharp and used to injure staff or youth. In separate incidences at LESCC, two youth

broke off the toilet seats of toilets and one youth caused extensive damage to his room while using the toilet seat as a weapon. Western Maryland Children's Center removed the toilet seats from the porcelain toilets. This Office also cited this issue during the construction of the facility.

Response: Toilet seats in individual rooms were removed February 2004. There have not been any incidents involving toilets since January 10, 2004. The Department's corrective plan calls for incremental replacement of the vitreous china toilets and sinks with stainless steel fixtures.

- **Unabated for 30 days or More:** Each room also is equipped with a porcelain sink that has a plastic cover attached below to cover the exposed plumbing. The sink may not support a youth who stands on it and the cover could be removed by kicking it. This exposed plumbing poses a risk for suicide attempts. The OIM also cited this issue during the construction of the facility.

Response: Supervision of youth does not allow youth to stand on sinks nor cause the plumbing to become exposed. All plumbing is secured as required.

results in inappropriate placements and inadequate programming and services. Many of these youth may also be at risk of being AWOL.

Response: The Area Directors were notified of the above and directed to ensure appropriate documentation accompany the youth.

The **Charles H. Hickey School** is a privately run facility located on State property. The facility is comprised of detention units and programming units designed for 30 days to 6 months programs. Correctional/Service Corporation (CSC) is the current vendor in the facility and it is held accountable for its service to Maryland's youth through the Code of Maryland Regulations (COMAR) and certain Maryland Department of Juvenile Services (DJS) licensing requirements, Detention Standards and Conduct Standards.

- **Unabated for 30 Days or More:** Occurrences of child neglect/abuse, assault and use of force incidents continue at a rate of more than 2.5 per day. DJS and Hickey should be commended for making sure incidents are reported, however, there must be more of an effort to proactively address this problem and reduce these incidents.

Response: Efforts continue to reduce incidents. The Department has secured cost estimates to install video surveillance cameras.

- Based upon a review of the Baltimore County Department of Social Services records, more than 70 investigations have been conducted at the facility since 7/1/02 and approximately 25% have resulted in an indicated finding. Another 30% have resulted in an unsubstantiated finding, which means there was not enough evidence to rule out the case but there was also not enough evidence to prove there was neglect or abuse. DJS statistics indicate there have been only 32 cases of child abuse/neglect at the facility while DSS records indicate a much higher number of investigations.

Response: During this 18 month time period there were 550 incidents of staff using force on Charles H. Hickey, Jr. youth. All incidents were investigated in some method. The DJS incident data base reflects that 29 of these incidents were investigated as child abuse by Child Protective Services, Maryland State Police and DJS. Of the 29 alleged child abuse cases, 8 were sustained, resulting in 10 staff being terminated. The Interagency Working Agreement between all parties was established in October 2003. Since the interagency agreement was established, Child Protective Services has become more aggressive with addressing child abuse incidents at the Charles H. Hickey, Jr. School.

Currently, there is increased Maryland State Police presence at the Charles H. Hickey, Jr. School, Monday through Friday from 9:00 a.m. to 5:00 p.m. The Department has developed a Security Plan which will be implemented upon the

State running the facility. Day-to-day Maryland State Police presence will continue. Hopefully this will assist in reducing violent incidents.

Investigators and Child Advocates are on grounds seven (7) days a week, 7:00 a.m. – 9:00 p.m. Periodic review of the log book for this particular Independent Monitor indicates that he is on grounds no more than three (3) times period month. It appears that the Independent Monitor conducts most of his business via telephone with employees. The questions raised could be addressed immediately if the Independent Monitor took the time to communicate with the Investigators, Child Advocates and Performance Monitors. The Independent Monitor is present during the Multi Disciplinary Team Meetings. This is a venue where the Independent Monitor can address any concerns or issues he may have regarding a particular case. There is also a need for the Independent Monitor's reports to be submitted in a more timely manner. Late submission of these reports make it difficult for incidents to be addressed when they are several months olds.

- The Baltimore County Interagency Agreement on the Investigation of Child Abuse and Neglect at the Charles Hickey School is currently under review by the State Attorney General's office. Completion of this written agreement will help solidify the responsibilities and requirements of each agency. There has been some success in cooperation between the Department of Juvenile Services and the Baltimore County Department of Social Services in child abuse/neglect investigations. Multi-disciplinary meetings for child abuse and neglect are being well attended by all concerned agencies. However, there still remains some lack of cooperation and coordination between investigators, at times.

Response: Assistant Secretary for the Office of Professional Responsibility and Accountability has spoken with the highest level of management for the Maryland State Police and Child Protective Services. Neither agency has any complaints regarding interacting with Investigators and Child Advocates. Investigators and Child Advocates meet regularly with Child Protective Services and Maryland State Police representatives. The Independent Monitor needs to bring specific concerns to his Executive Director who should in turn bring those concerns to the Assistant Secretary for the Office of Professional Responsibility and Accountability. Also, the Independent Monitor for Hickey has been advised on numerous occasions that if he has any concerns he should check with the Investigator, Child Advocates and Performance Monitor assigned to the case to resolve those issues.

- **Unabated for 30 Days or More:** The Investigation and Child Advocacy Unit has not been fully cooperating with this Office concerning investigative reports and action, and advocate reports. The Department of Juvenile Services and this Office have entered into a Standard Operating Procedure agreement that includes obtaining copies of investigative reports within three days upon the completion of an investigation. The Monitor has repeatedly requested information and updates on investigations with very little success. DJS must provide this Office with

requested information consistent with our statutory authority and with the Standard Operating Procedure.

Response: On November 23, 2003 both Secretary Montague and Secretary Garland agreed to a Memorandum of Understanding. The Assistant Secretary for the Office of Professional Responsibility and Accountability contacted the Executive Director of the Independent Monitors and inquired of him how he wished to receive investigative reports and/or grievances. The Executive Director advised the Assistant Secretary that he would get back to him after the first of year. To date, he has not contacted the Assistant Secretary about receiving reports. Currently, the Director of Investigation has numerous reports in his office since the signing of the Memorandum of Understanding. As soon as the Executive Director decides how he wishes to obtain them, he may have them. Also, the same arrangement was made with Executive Director for picking up Child Advocate grievances. They are also ready to be picked up. A letter will be sent to Executive Director in an attempt to resolve this issue.

- A sexual abuse allegation was not investigated by DJS but was investigated by DSS. On 9/8/03, DSS accepted an allegation of suspected sexual abuse from a DJS child advocate that had reportedly occurred on 9/2/03. DSS completed its investigation in November and the report reflects several attempts to coordinate the investigation with DJS with no response. The case was considered unsubstantiated because the DSS investigator could not identify who the assailants were although the victim youth presented as "clear and credible" during his disclosure. Repeated efforts by the Monitor to obtain updated information on DJS's response to this incident were not acknowledged.

Response: Office of Professional Responsibility and Accountability investigation concurs with the Department of Social Services finding of unsubstantiated. The Independent Monitor has been advised to contact the Investigator, Child Advocate and Performance Monitor to clear up and resolve the issues when they arise. The Office of Professional Responsibility and Accountability has taken proactive measures to increase the investigative presence at Charles H. Hickey, Jr. School based on the numerous incidents reported. The Department of Juvenile Services Investigator's presence could certainly assist the Independent Monitor in his efforts to obtain accurate information and resolve the issues in a timely fashion. Many of the Independent Monitor's questions can be resolved immediately by meeting with the Department of Juvenile Services Investigator, Child Advocate and Performance Monitor on-grounds at the Charles H. Hickey, Jr. School.

- Another case of suspected abuse resulted in a youth receiving a broken arm on 10/10/03 when he was restrained on the ground by staff. Unfortunately, the youth is 18 years old so DSS is not involved in the investigation. A DJS investigator requested that the staff be suspended but Hickey administrators told her that the State Police had already cleared the staff of any violations. The Monitor contacted the State Police on 10/31/03 to determine their findings and it was

determined that the investigation was still ongoing. Although Hickey administrators advised that the staff person was sent for restraint re-training, a DJS child advocate reportedly observed the suspected staff teaching restraint procedures to other staff persons.

Response: The DJS investigator did not sustain the allegation. There was a lack of preponderance of evidence to prove the allegation. The Independent Monitor has been advised to contact the Investigator, Child Advocate and Performance Monitor to clear up and resolve the issues when they arise. The Office of Professional Responsibility and Accountability has taken proactive measures to increase the investigative presence at Charles H. Hickey, Jr. School based on the numerous incidents reported. The Department of Juvenile Services Investigator's presence could certainly assist the Independent Monitor in his efforts to obtain accurate information and resolve the issues in a timely fashion. Many of the Independent Monitor's questions can be resolved immediately by meeting with the DJS Investigator, Child Advocate and Performance Monitor on-grounds at the Charles H. Hickey, Jr. School.

- Another case of suspected physical abuse occurred on 8/22/03. Hickey personnel submitted a DJS incident report for a use of force – minor/no injury. The youth was involved in a restraint with a staff person and DSS was notified. The youth was involved in another incident on 8/24/03 and the youth suffered an injury to his wrist during a wristlock procedure and although Hickey medical personnel treated the youth's injuries, they failed to notify DSS of suspected abuse. DJS also failed to notify DSS or the State Police of the incident.

Response: Both cases were closed. There was no indication of improper force by staff. The Independent Monitor has been advised to contact the Investigator, Child Advocate and Performance Monitor to clear up and resolve the issues when they arise. The Office of Professional Responsibility and Accountability has taken proactive measures to increase the investigative presence at Charles H. Hickey, Jr. School based on the numerous incidents reported. The Department of Juvenile Services Investigator's presence could certainly assist the Independent Monitor in his efforts to obtain accurate information and resolve the issues in a timely fashion. Many of the Independent Monitor's questions can be resolved immediately by meeting with the Department of Juvenile Services Investigator, Child Advocate and Performance Monitor on-grounds at the Charles H. Hickey, Jr. School.

- This Office also requested information relating to Child Advocacy reports but there was no reply for several weeks. Finally, a report was forwarded that focused on the Hickey School, which was very comprehensive and well written, but requests for additional information and clarification have gone unanswered. The Monitor has requested copies of the previous three reports with no response from DJS.

Response: The Assistant Secretary for the Office of Professional Responsibility and Accountability sends a monthly report of grievances to the Executive

Director for the Independent Monitor. The Independent Monitor for Hickey inadvertently received a copy of the Office of Professional Responsibility and Accountability monthly report that is addressed from the Assistant Secretary to the Secretary. This monthly report is not covered under the Memorandum of Understanding and therefore the Independent Monitor will not receive confidential communication between the Assistant Secretary and the Secretary.

- **Unabated for 30 Days or More:** Visits on detention units have revealed a lack of education and programming. Two of the Monitor's visits revealed no school occurring on the detention unit. Reasons supplied at the time were that staff were involved with moving their supplies and offices back into the Pratt School following asbestos repairs, and the second reason was that youths were supposed to be watching a movie but one staff had gone home early due to sickness and had not left the remaining staff any movie for the youths to watch.

The Thoroughbred Retirement Foundation Equestrian Program has been revived due to the concerted efforts of the Hickey School and DJS child advocates. According to a Hickey School Child Advocate report, nine youths were involved in the program as of November 19, 2003.

The barbering program is also operating well but has not yet been certified by the Maryland State Department of Education. There are currently 4 youths taking advantage of the barbering training program.

The Monitor conducted an unannounced visit to the Applied Learning Center on 11/13/03 and determined that 16 youths were involved in the horticulture program. The printing program was not operating and the auto shop teachers were in training. There is no current carpentry or construction program in operation.

Therefore, it appears that no more than 30 or 40 youths are participating in any vocational training programs at any one time with a youth population of approximately 250 youths housed at the facility.

Response: DJS is working with Hickey School to enhance vocational training programming. It is expected that the Applied Learning Center will be fully operational effective April 1, 2004. MSDE is scheduled to take over education services at Hickey on July 1, 2004 and vocational training will be a focus for some youth.

- **Unabated for 30 Days or More:** Youths are still being inappropriately placed in seclusion for extended periods of time. During one particular visit on a Monday, the Monitor observed a youth who had been in seclusion since Friday for fighting. Youths should not be placed in seclusion for any longer than absolutely necessary to help the youth calm down and to protect the youth or others from harm or to prevent escape. The Hickey staff advised that the youth had been continually banging on his door and acting disorderly, although the Monitor's conversation

with the youth failed to reveal any such hostilities. In any event, the behavior observation sheet did not reflect any ongoing concern with the youth's behavior and the Monitor advised Hickey staff to make sure ongoing concerns about a youth's behavior are noted on the report and that the appropriate reports be filled out for any seclusion beyond 8 hours.

Response: DJS monitors and child advocates review seclusion logs daily to ensure compliance with seclusion policies.

- Youths with severe mental health problems and/or severe suicidal or self-injurious tendencies should not be placed at the Hickey School. On November 18, 2003, Hickey administrators and child advocates notified the Monitor that a youth requiring intensive mental health services had been placed at the Hickey School. The youth has had many previous placements at Hickey and he has been involved in numerous incidents of self-injurious activity that has required his transfer to intensive mental health facilities. The youth was placed on the Jackson Unit under one-to-one observation, which required the deployment of extra staff for monitoring purposes. The Monitor contacted the facility on November 23 to ascertain the status of the youth's monitoring and learned that the youth had attempted to harm himself on the evening of November 22 and was transported to St. Joseph's Hospital for treatment and observation. He was subsequently transferred to Crownsville State Hospital for evaluation and treatment on November 24. A court hearing was held on 12/3/03 and the judge ordered a DJS evaluation, a Department of Health and Mental Hygiene evaluation and a discharge summary from Crownsville State Hospital.

The Monitor also discussed the case with DJS Central Office and Field Services staff and was provided conflicting information concerning if DJS was seeking alternative placement of this youth. It is unknown if this case had been presented to the LCC to authorize a more appropriate placement. DHMH needs to become more involved in this type of case to assist with developing a long-term plan to address this youth's needs and possibly place this youth in an appropriate facility to prevent him from committing further harm to himself.

Response: The Department is working collaboratively with DHMH to better serve youth with significant mental health needs

- The pedestrian sally port gate was not operating during a visit to the facility on 12/22/03. Staff in the guardhouse advised that the gate had not been working for several days.

Response: The pedestrian sally port gate is currently operational.

- **Unabated for 30 Days or More:** Lock replacements are being made on the bedroom doors of Clinton Hall but there are other locations throughout the facility that need new locks also. Staff on Ford Hall advised that they are extremely